

THE

# British North America Act.

THE

# TERMS OF UNION.

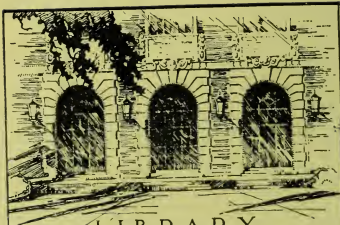


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RULES AND ORDERS.

TREATY OF WASHINGTON.



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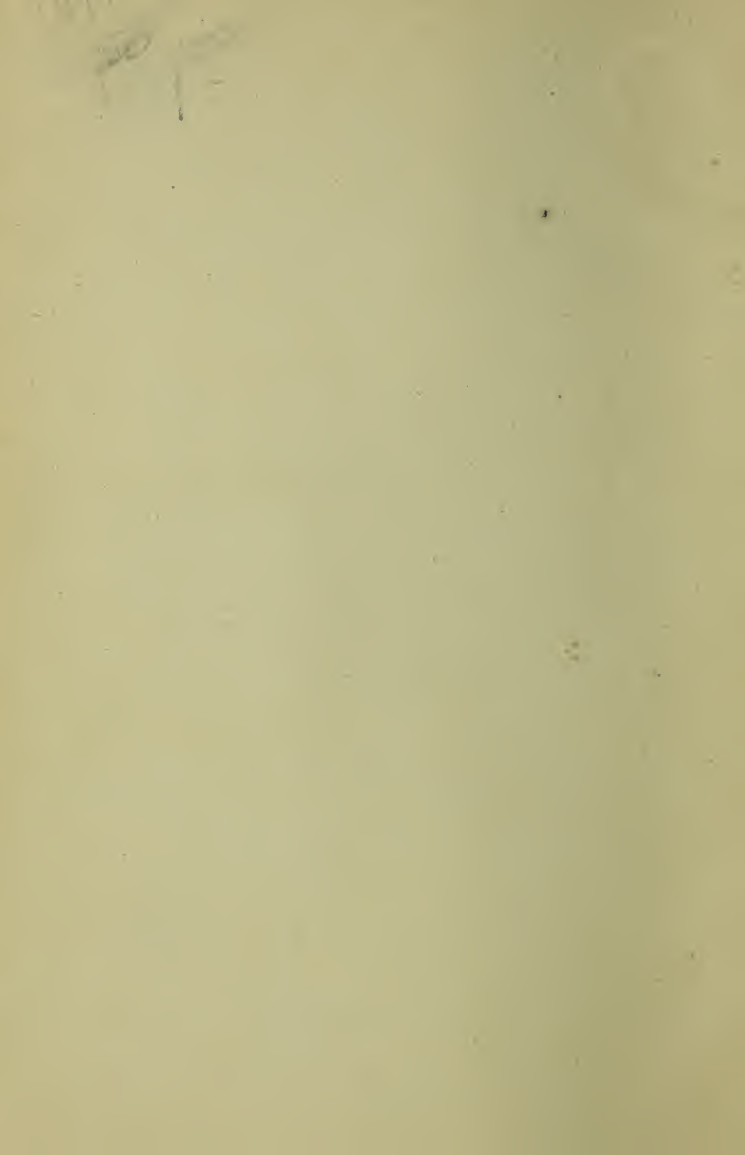
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BRITISH NORTH AMERICA ACT, 1867,

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TERMS OF UNION WITH CANADA,

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RULES AND ORDERS  
OF THE LEGISLATIVE ASSEMBLY.

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TREATY OF WASHINGTON.

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*Published by order of the Legislative Assembly.*

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ANNO TRICESIMO ET TRICESIMO-PRIMO

## VICTORIÆ REGINÆ.

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## CAP. III.

An Act for the Union of Canada, Nova Scotia, and New Brunswick, and the Government thereof; and for purposes connected therewith.

[29th March, 1867.]

WHEREAS the Provinces of Canada, Nova Scotia, and New Brunswick, have expressed their desire to be federally united into one Dominion under the Crown of the United Kingdom of Great Britain and Ireland, with a Constitution similar in principle to that of the United Kingdom :

And whereas such a Union would conduce to the welfare of the Provinces and promote the Interests of the British Empire :

And whereas on the establishment of the Union by authority of Parliament it is expedient, not only that the Constitution of the Legislative authority in the Dominion be provided for, but also that the nature of the Executive Government therein be declared :

And whereas it is expedient that provision be made for the eventual admission into the Union of other parts of British North America:

Be it therefore enacted and declared by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### I.—PRELIMINARY.

Short Title.

1. This Act may be cited as “The British North America Act, 1867.”

Application of Provisions referring to the Queen.

2. The provisions of this Act referring to Her Majesty the Queen, extend also to the heirs and successors of Her Majesty, Kings and Queens of the United Kingdom of Great Britain and Ireland.

### II.—UNION.

Declaration of Union.

3. It shall be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, to declare by Proclamation that, on and after a day therein appointed, not being more than six months after the passing of this Act, the Provinces of Canada, Nova Scotia, and New Brunswick, shall form and be one Dominion under the name of Canada; and on and after that day, those three Provinces shall form and be one Dominion under that name accordingly.

Construction of subsequent provisions of Act.

4. The subsequent provisions of this Act shall, unless it is otherwise expressed or implied, commence and have effect on and

after the Union, that is to say, on and after the day appointed for the Union taking effect in the Queen's Proclamation; and in the same provisions, unless it is otherwise expressed or implied, the name Canada shall be taken to mean Canada as constituted under this Act.

5. Canada shall be divided into four Pro- Four Provinces.  
vinces, named Ontario, Quebec, Nova Scotia,  
and New Brunswick.

6. The parts of the Province of Canada Provinces of Ontario and Quebec.  
(as it exists at the passing of this Act) which  
formerly constituted respectively the Pro-  
vinces of Upper Canada and Lower Canada  
shall be deemed to be severed, and shall form  
two separate Provinces. The part which  
formerly constituted the Province of Upper  
Canada shall constitute the Province of  
Ontario; and the part which formerly con-  
stituted the Province of Lower Canada shall  
constitute the Province of Quebec.

7. The Provinces of Nova Scotia and New Provinces of Nova Scotia and New Brunswick.  
Brunswick shall have the same limits as at  
the passing of this Act.

8. In the general census of the population Decennial Census.  
of Canada which is hereby required to be  
taken in the year One thousand eight hun-  
dred and seventy-one, and in every tenth  
year thereafter, the respective populations  
of the four Provinces shall be distinguished.

### III.—EXECUTIVE POWER.

9. The Executive Government and author- Declaration of Executive power in the Queen.  
ity of and over Canada is hereby declared  
to continue and be vested in the Queen.

Application of provisions referring to Governor General.

10. The provisions of this Act referring to the Governor-General extend and apply to the Governor-General for the time being of Canada, or other the Chief Executive Officer or Administrator for the time being carrying on the Government of Canada on behalf and in the name of the Queen, by whatever title he is designated.

Constitution of Privy Council for Canada.

11. There shall be a Council to aid and advise in the Government of Canada, to be styled the Queen's Privy Council for Canada; and the persons who are to be Members of that Council shall be from time to time chosen and summoned by the Governor-General and sworn in as Privy Councillors, and Members thereof may be from time to time removed by the Governor-General.

All powers under Acts to be exercised by Governor-General with advice of Privy Council or alone.

12. All powers, authorities, and functions which under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of Upper Canada, Lower Canada, Canada, Nova Scotia, or New Brunswick, are at the Union vested in or exercisable by the respective Governors or Lieutenant-Governors of those Provinces, with the advice, or with the advice and consent, of the respective Executive Councils thereof, or in conjunction with those Councils, or with any number of Members thereof, or by those Governors or Lieutenant-Governors individually, shall, as far as the same continue in existence and capable of being exercised after the Union in relation to the Government of Canada, be vested in and exercisable by the Governor-General with

the advice or with the advice and consent of or in conjunction with the Queen's Privy Council for Canada, or any Members thereof, or by the Governor-General individually, as the case requires, subject nevertheless (except with respect to such as exist under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland) to be abolished or altered by the Parliament of Canada.

13. The provisions of this Act referring to the Governor-General in Council shall be construed as referring to the Governor-General acting by and with the advice of the Queen's Privy Council for Canada.

Application of provisions referring to Governor-General in Council.

14. It shall be lawful for the Queen, if Her Majesty thinks fit, to authorize the Governor-General from time to time to appoint any person or any persons, jointly or severally, to be his deputy or deputies within any part or parts of Canada, and in that capacity to exercise, during the pleasure of the Governor-General, such of the powers, authorities, and functions of the Governor-General, as the Governor-General deems it necessary or expedient to assign to him or them, subject to any limitations or directions expressed or given by the Queen; but the appointment of such a deputy or deputies shall not affect the exercise by the Governor-General himself of any power, authority, or function.

Power to Her Majesty to authorize Governor-General to appoint Deputies.

15. The Command-in-Chief of the Land and Naval Militia, and of all Naval and Military Forces, of and in Canada, is hereby

Command of Armed Forces to continue to be vested in the Queen.

declared to continue and be vested in the Queen.

Seat of Govern-  
ment of Canada.

16. Until the Queen otherwise directs, the Seat of Government of Canada shall be Ottawa.

#### IV.—LEGISLATIVE POWER.

Constitution of  
Parliament of  
Canada.

17. There shall be one Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons.

Privileges, &c.,  
of Houses.

18. The privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate and by the House of Commons, and by the Members thereof respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that the same shall never exceed those at the passing of this Act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland and by the Members thereof.

First Session of  
the Parliament  
of Canada.

19. The Parliament of Canada shall be called together not later than six months after the Union.

Yearly Session of  
the Parliament  
of Canada.

20. There shall be a Session of the Parliament of Canada once at least in every year, so that twelve months shall not intervene between the last sitting of the Parliament in one Session and its first sitting in the next Session.

#### *The Senate.*

Number of  
Senators.

21. The Senate shall, subject to the provisions of this Act, consist of seventy-two Members, who shall be styled Senators.



22. In relation to the constitution of the Senate, Canada shall be deemed to consist of three divisions,—

Representation  
of Provinces in  
Senate.

1. Ontario :

2. Quebec :

3. The Maritime Provinces, Nova Scotia and New Brunswick; which three divisions shall (subject to the provisions of this Act) be equally represented in the Senate as follows:—Ontario by Twenty-four Senators; Quebec by Twenty-four Senators: and the Maritime Provinces by Twenty-four Senators, Twelve thereof representing Nova Scotia, and Twelve thereof representing New Brunswick.

In the case of Quebec each of the twenty-four Senators representing that Province shall be appointed for one of the twenty-four Electoral Divisions of Lower Canada specified in Schedule A to Chapter One of the Consolidated Statutes of Canada.

23. The qualification of a Senator shall be as follows:—

Qualifications of  
Senators.

(1.) He shall be of the full age of Thirty years;

(2.) He shall be either a natural-born subject of the Queen, or a subject of the Queen naturalized by an Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of one of the Provinces of Upper Canada, Lower Canada, Canada, Nova Scotia, or New Brunswick, before the

Union, or of the Parliament of Canada after the Union:

- (3.) He shall be legally or equitably seised as of freehold for his own use and benefit of lands or tenements held in free and common socage, or seised or possessed for his own use and benefit of lands or tenements held in franc-alieu or in roture, within the Province for which he is appointed, of the value of Four thousand dollars, over and above all rents, dues, debts, charges, mortgages, and incumbrances due or payable out of or charged on or affecting the same:
- (4.) His real and personal property shall be together worth Four thousand dollars over and above his debts and liabilities:
- (5.) He shall be resident in the Province for which he is appointed:
- (6.) In the case of Quebec he shall have his real property qualification in the Electoral Division for which he is appointed, or shall be resident in that Division.

Summons of  
Senator.

24. The Governor-General shall from time to time, in the Queen's name by Instrument under the Great Seal of Canada, summon qualified persons to the Senate; and, subject to the provisions of this Act, every person so summoned shall become and be a Member of the Senate and a Senator.

Summons of  
First body of  
Senators.

25. Such persons shall be first summoned to the Senate as the Queen by Warrant

under Her Majesty's Royal Sign Manual thinks fit to approve, and their names shall be inserted in the Queen's Proclamation of Union.

26. If at any time, on the recommendation of the Governor-General, the Queen thinks fit to direct that three or six Members be added to the Senate, the Governor-General may by summons to three or six qualified persons (as the case may be), representing equally the three divisions of Canada, add to the Senate accordingly.

Addition of Senators in certain cases.

27. In case of such addition being at any time made the Governor-General shall not summon any person to the Senate, except on a further like direction by the Queen on the like recommendation, until each of the three divisions of Canada is represented by twenty-four Senators and no more.

Reduction of Senate to normal number.

28. The number of Senators shall not at any time exceed seventy-eight.

Maximum number of Senators.

29. A Senator shall, subject to the provisions of this Act, hold his place in the Senate for life.

Tenure of place in Senate.

30. A Senator may by writing under his hand, addressed to the Governor-General, resign his place in the Senate, and thereupon the same shall be vacant.

Resignation of place in Senate.

31. The place of a Senator shall become vacant in any of the following cases:—

Disqualification of Senators.

- (1.) If for two consecutive Sessions of the Parliament he fails to give his attendance in the Senate:

- (2.) If he takes an oath or makes a declaration or acknowledgment of allegiance, obedience, or adherence to a Foreign Power, or does an act whereby he becomes a Subject or Citizen, or entitled to the rights or privileges of a Subject or Citizen of a Foreign Power:
- (3.) If he is adjudged bankrupt or insolvent, or applies for the benefit of any law relating to insolvent debtors, or becomes a public defaulter:
- (4.) If he is attainted of treason or convicted of felony or of any infamous crime:
- (5.) If he ceases to be qualified in respect of property or of residence; provided that a Senator shall not be deemed to have ceased to be qualified in respect of residence by reason only of his residing at the Seat of the Government of Canada while holding an office under that Government requiring his presence there.

Summons of  
Vacancy in  
Senate.

32. When a vacancy happens in the Senate by resignation, death, or otherwise, the Governor-General shall by summons to a fit and qualified person fill the vacancy.

Questions as to  
Qualifications  
and Vacancies in  
Senate.

33. If any question arises respecting the qualification of a Senator, or a vacancy in the Senate, the same shall be heard and determined by the Senate.

Appointment of  
Speaker of  
Senate.

34. The Governor-General may from time to time, by instrument under the Great Seal of Canada, appoint a Senator to be Speaker of the Senate, and may remove him and appoint another in his stead.

35. Until the Parliament of Canada otherwise provides, the presence of at least fifteen Quorum of Senate. Senators, including the Speaker, shall be necessary to constitute a meeting of the Senate for the exercise of its powers.

36. Questions arising in the Senate shall Voting in Senate be decided by a majority of voices, and the Speaker shall in all cases have a vote, and when the voices are equal the decision shall be deemed to be in the negative.

*The House of Commons.*

37. The House of Commons shall, subject Constitution of House of Commons in Canada. to the provisions of this Act, consist of One hundred and eighty-one Members, of whom eighty-two shall be elected for Ontario, Sixty-five for Quebec, Nineteen for Nova Scotia, and Fifteen for New Brunswick.

38. The Governor-General shall from time Summoning of House of Commons. to time, in the Queen's name, by Instrument under the Great Seal of Canada, summon and call together the House of Commons.

39. A Senator shall not be capable of Senators not to sit in House of Commons. being elected or of sitting or voting as a Member of the House of Commons.

40. Until the Parliament of Canada otherwise provides, Ontario, Quebec, Nova Scotia and New Brunswick, shall, for the purposes Electoral Districts of the four Provinces. of the Election of Members to serve in the House of Commons, be divided into Electoral Districts as follows:—

*1.—ONTARIO.*

Ontario shall be divided into the Counties, Ridings of Counties, Cities, Parts of Cities,

and Towns enumerated in the First Schedule to this Act, each whereof shall be an Electoral District, each such District as numbered in that Schedule being entitled to return one Member.

2.—*QUEBEC.*

Quebec shall be divided into Sixty-five Electoral Districts, composed of the Sixty-five Electoral Divisions into which Lower Canada is, at the passing of this Act, divided under Chapter Two of the Consolidated Statutes of Canada, Chapter Seventy-five of the Consolidated Statutes for Lower Canada, and the Act of the Province of Canada of the Twenty-third Year of the Queen, Chapter One, or any other Act amending the same in force at the Union, so that each such Electoral Division shall be for the purposes of this Act an Electoral District entitled to return One Member.

3.—*NOVA SCOTIA.*

Each of the Eighteen Counties of Nova Scotia shall be an Electoral District. The County of Halifax shall be entitled to return Two Members, and each of the other Counties One Member.

4.—*NEW BRUNSWICK.*

Each of the Fourteen Counties into which New Brunswick is divided, including the City and County of St. John, shall be an Electoral District. The City of St. John shall also be a separate Electoral District. Each of those Fifteen Electoral Districts shall be entitled to return One Member.

41. Until the Parliament of Canada otherwise provides, all laws in force in the several Provinces at the Union relative to the following matters or any of them, namely:—  
 The qualifications and disqualifications of persons to be elected or to sit or vote as Members of the House of Assembly or Legislative Assembly in the several Provinces; the Voters at Elections of such Members; the oaths to be taken by Voters; the Returning Officers, their powers and duties; the proceedings at Elections; the periods during which Elections may be continued; the trial of controverted Elections, and proceedings incident thereto; the vacating of seats of Members, and the execution of new Writs in case of seats vacated otherwise than by dissolution,—shall respectively apply to Elections of Members to serve in the House of Commons for the same several Provinces. Provided that, until the Parliament of Canada otherwise provides, at any Election for a Member of the House of Commons for the District of Algoma, in addition to persons qualified by the law of the Province of Canada to vote, every male British Subject, aged Twenty-one years or upwards, being a householder, shall have a vote.

Continuance of existing Election Laws until Parliament of Canada otherwise provides.

42. For the first Election of Members to serve in the House of Commons, the Governor-General shall cause Writs to be issued by such person, in such form, and addressed to such Returning Officers as he thinks fit.

Writs for first Election.

The person issuing Writs under this Section shall have the like powers as are possessed at the Union by the Officers charged



with the issuing of Writs for the Election of Members to serve in the respective House of Assembly or Legislative Assembly of the Province of Canada, Nova Scotia, or New Brunswick; and the Returning Officers to whom Writs are directed under this Section shall have the like powers as are possessed at the Union by the Officers charged with the Returning of Writs for the Election of Members to serve in the same respective House of Assembly or Legislative Assembly.

As to Casual  
Vacancies.

43. In case a vacancy in the representation in the House of Commons of any Electoral District happens before the meeting of the Parliament, or after the meeting of the Parliament before provision is made by the Parliament in this behalf, the provisions of the last foregoing Section of this Act shall extend and apply to the issuing and returning of a Writ in respect of such vacant District.

As to Election of  
Speaker of House  
of Commons.

44. The House of Commons on its first assembling after a General Election shall proceed with all practicable speed, to elect one of its members to be Speaker.

As to filling up  
Vacancy in office  
of Speaker.

45. In case of a vacancy happening in the office of Speaker by death, resignation, or otherwise, the House of Commons shall, with all practicable speed, proceed to elect another of its members to be Speaker.

Speaker to  
preside.

46. The Speaker shall preside at all meetings of the House of Commons.

Provision in  
case of absence  
of Speaker.

47. Until the Parliament of Canada otherwise provides, in case of the absence for any reason of the Speaker from the chair of the



House of Commons for a period of forty-eight consecutive hours, the House may elect another of its members to act as Speaker, and the Member so elected shall, during the continuance of such absence of the Speaker, have and execute all the powers, privileges, and duties of Speaker.

48. The presence of at least Twenty Members of the House of Commons shall be necessary to constitute a meeting of the House for the exercise of its powers; and for that purpose the Speaker shall be reckoned as a Member. Quorum of House of Commons.

49. Questions arising in the House of Commons shall be decided by a majority of voices other than that of the Speaker, and when the voices are equal, but not otherwise, the Speaker shall have a vote. Voting in House of Commons.

50. Every House of Commons shall continue for Five Years from the day of the return of the Writs for choosing the House (subject to be sooner dissolved by the Governor-General), and no longer. Duration of House of Commons.

51. On the completion of the census in the year One thousand eight hundred and seventy-one, and of each subsequent decennial census, the representation of the four Provinces shall be re-adjusted by such authority, in such manner, and for such time, as the Parliament of Canada from time to time provides, subject and according to the following rules:— Decennial Re-adjustment of Representation.

(1.) Quebec shall have the fixed number of Sixty-five members:

- (2.) There shall be assigned to each of the other Provinces such a number of Members as will bear the same proportion to the number of its population (ascertained at such census) as the number sixty-five bears to the number of the population of Quebec (so ascertained):
- (3.) In the computation of the number of Members for a Province a fractional part not exceeding one-half of the whole number requisite for entitling the Province to a Member shall be disregarded; but a fractional part exceeding one-half of that number shall be equivalent to the whole number:
- (4.) On any such re-adjustment the number of Members for a Province shall not be reduced unless the proportion which the number of the population of the Province bore to the number of the aggregate population of Canada at the then last preceding re-adjustment of the number of Members for the Province is ascertained at the then latest census to be diminished by one-twentieth part or upwards:
- (5.) Such re-adjustment shall not take effect until the termination of the then existing Parliament.

Increase of number of House of Commons.

52. The number of Members of the House of Commons may be from time to time increased by the Parliament of Canada, provided the proportionate representation of the Provinces prescribed by this Act is not thereby disturbed.

*Money Votes; Royal Assent.*

53. Bills for appropriating any part of the Public Revenue, or for imposing any tax or impost, shall originate in the House of Commons. Appropriation and Tax Bills.

54. It shall not be lawful for the House of Commons to adopt or pass any Vote, Resolution, Address, or Bill for the appropriation of any part of the Public Revenue, or of any Tax or Impost, to any purpose that has not been first recommended to that House by Message of the Governor-General in the Session in which such Vote, Resolution, Address, or Bill is proposed. Recommendation of money votes.

55. Where a Bill passed by the Houses of the Parliament is presented to the Governor-General for the Queen's assent, he shall declare, according to his discretion, but subject to the provisions of this Act and to Her Majesty's Instructions, either that he assents thereto in the Queen's name, or that he withholds the Queen's assent, or that he reserves the Bill for the signification of the Queen's pleasure. Royal Assent to Bills, &c.

56. Where the Governor-General assents to a Bill in the Queen's name, he shall, by the first convenient opportunity, send an authentic copy of the Act to one of Her Majesty's Principal Secretaries of State, and if the Queen in Council within two years after receipt thereof by the Secretary of State thinks fit to disallow the Act, such disallowance (with a certificate of the Secretary of State of the day on which the Act was received by him) being signified by the Disallowance by order in Council of Act assented to by Governor-General.

Governor-General, by Speech or Message to each of the Houses of the Parliament, or by Proclamation, shall annul the Act from and after the day of such signification.

Signification of  
Queen's pleasure  
on Bill reserved.

57. A Bill reserved for the signification of the Queen's pleasure shall not have any force unless and until within two years from the day on which it was presented to the Governor-General for the Queen's Assent, the Governor-General signifies, by Speech or Message to each of the Houses of the Parliament, or by Proclamation, that it has received the Assent of the Queen in Council.

An entry of every such Speech, Message, or Proclamation shall be made in the Journal of each House, and a duplicate thereof duly attested shall be delivered to the proper Officer to be kept among the Records of Canada.

## V.—PROVINCIAL CONSTITUTIONS.

### *Executive Power.*

Appointment of  
Lieutenant-  
Governors of  
Provinces.

58. For each Province there shall be an Officer, styled the Lieutenant-Governor, appointed by the Governor-General in Council by Instrument under the Great Seal of Canada.

Tenure of office  
of Lieutenant-  
Governor.

59. A Lieutenant-Governor shall hold office during the pleasure of the Governor-General; but any Lieutenant-Governor appointed after the commencement of the first Session of the Parliament of Canada shall not be removable within five years from his appointment, except for cause assigned, which shall be communicated to him in writing within one

month after the order for his removal is made, and shall be communicated by Message to the Senate and to the House of Commons within one week thereafter if the Parliament is then sitting, and if not, then within one week after the commencement of the next Session of the Parliament.

60. The Salaries of the Lieutenant-Governors shall be fixed and provided by the Parliament of Canada. Salaries of Lieutenant-Governors.

61. Every Lieutenant-Governor shall, before assuming the duties of his office, make and subscribe before the Governor-General, or some person authorized by him, Oaths of Allegiance and Office similar to those taken by the Governor-General. Oaths, &c., of Lieutenant-Governor.

62. The provisions of this Act referring to the Lieutenant-Governor extend and apply to the Lieutenant-Governor for the time being of each Province, or other the Chief Executive Officer or Administrator for the time being carrying on the Government of the Province, by whatever title he is designated. Application of provisions referring to Lieutenant-Governor

63. The Executive Council of Ontario and of Quebec shall be composed of such persons as the Lieutenant-Governor from time to time thinks fit, and in the first instance of the following Officers, namely: the Attorney-General, the Secretary and Registrar of the Province, the Treasurer of the Province, the Commissioner of Crown Lands, and the Commissioner of Agriculture and Public Works, with in Quebec, the Speaker of the Legislative Council, and Solicitor-General. Appointment of Executive Officers for Ontario and Quebec.

Executive Government of Nova Scotia and New Brunswick.

64. The Constitution of the Executive Authority in each of the Provinces of Nova Scotia and New Brunswick shall, subject to the provisions of this Act, continue as it exists at the Union until altered under the authority of this Act.

Powers to be exercised by Lieutenant-Governor of Ontario or Quebec with advice or alone.

65. All powers, authorities, and functions which under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of Upper Canada, Lower Canada, or Canada, were or are before or at the Union vested in or exercisable by the respective Governors or Lieutenant-Governors of those Provinces, with the advice, or with the advice and consent, of the respective Executive Councils thereof, or in conjunction with those Councils, or with any number of Members thereof, or by those Governors or Lieutenant-Governors individually, shall, as far as the same are capable of being exercised after the Union in relation to the Government of Ontario and Quebec respectively, be vested in and shall or may be exercised by the Lieutenant-Governor of Ontario and Quebec respectively, with the advice, or with the advice and consent of, or in conjunction with the respective Executive Councils, or any Members thereof, or by the Lieutenant-Governor individually, as the case requires, subject nevertheless (except with respect to such as exist under Acts of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland,) to be abolished or altered by the respective Legislatures of Ontario and Quebec.

66. The provisions of this Act referring to the Lieutenant-Governor in Council shall be construed as referring to the Lieutenant-Governor of the Province acting by and with the advice of the Executive Council thereof.

Application of provisions referring to Lieutenant-Governor in Council.

67. The Governor-General in Council may from time to time appoint an Administrator to execute the office and functions of Lieutenant-Governor during his absence, illness, or other inability.

Administration in absence, &c., of Lieutenant-Governor.

68. Unless and until the Executive Government of any Province otherwise directs with respect to that Province, the seats of Government of the Provinces shall be as follows, namely,—of Ontario, the City of Toronto; of Quebec, the City of Quebec; of Nova Scotia, the City of Halifax; and of New Brunswick, the City of Fredericton.

Seats of Provincial Governments.

### *Legislative Power.*

#### 1.—ONTARIO.

69. There shall be a Legislature for Ontario consisting of the Lieutenant-Governor and of one House, styled the Legislative Assembly of Ontario.

Legislature for Ontario.

70. The Legislative Assembly of Ontario shall be composed of Eighty-two Members, to be elected to represent the Eighty-two Electoral Districts set forth in the First Schedule to this Act.

Electoral Districts.

#### 2.—QUEBEC.

71. There shall be a Legislature for Quebec consisting of the Lieutenant-Governor and

Legislature for Quebec.



of two Houses, styled the Legislative Council of Quebec and of the Legislative Assembly of Quebec.

Constitution of  
Legislative  
Council.

72. The Legislative Council of Quebec shall be composed of Twenty-four Members, to be appointed by the Lieutenant-Governor in the Queen's name, by Instrument under the Great Seal of Quebec, one being appointed to represent each of the Twenty-four Electoral Divisions of Lower Canada in this Act referred to, and each holding office for the term of his life, unless the Legislature of Quebec otherwise provides under the provisions of this Act.

Qualification of  
Legislative  
Councillors.

73. The qualifications of the Legislative Councillors of Quebec shall be the same as those of the Senators for Quebec.

Resignation, dis-  
qualification, &c.

74. The place of a Legislative Councillor of Quebec shall become vacant in the cases, *mutatis mutandis*, in which the place of Senator becomes vacant.

Vacancies.

75. When a vacancy happens in the Legislative Council of Quebec by resignation, death, or otherwise, the Lieutenant-Governor in the Queen's name, by Instrument under the Great Seal of Quebec, shall appoint a fit and qualified person to fill the vacancy.

Questions as to  
Vacancies, &c.

76. If any question arises respecting the qualification of a Legislative Councillor of Quebec, or a vacancy in the Legislative Council of Quebec, the same shall be heard and determined by the Legislative Council.

Speaker of Leg-  
islative Council.

77. The Lieutenant-Governor may from time to time, by Instrument under the Great



Seal of Quebec, appoint a Member of the Legislative Council of Quebec to be Speaker thereof, and may remove him and appoint another in his stead.

78. Until the Legislature of Quebec otherwise provides, the presence of at least ten Quorum of Legislative Council. Members of the Legislative Council, including the Speaker, shall be necessary to constitute a meeting for the exercise of its powers.

79. Questions arising in the Legislative Council of Quebec shall be decided by a majority of voices, and the Speaker shall in all cases have a vote, and when the voices are equal, the decision shall be deemed to be in the negative. Voting in Legislative Council.

80 The Legislative Assembly of Quebec shall be composed of Sixty-five Members, to be elected to represent the Sixty-five Electoral Divisions or Districts of Lower Canada in this Act referred to, subject to alteration thereof by the Legislature of Quebec: Provided that it shall not be lawful to present to the Lieutenant-Governor of Quebec for assent any Bill for altering the limits of any of the Electoral Divisions or Districts mentioned in the Second Schedule to this Act, unless the second and third readings of such Bill have been passed in the Legislative Assembly with the concurrence of the majority of the Members representing all those Electoral Divisions or Districts, and the assent shall not be given to such Bill unless an address has been presented by the Legislative Assembly to the Lieutenant-Governor stating that it has been so passed. Constitution of Legislative Assembly of Quebec.

3.—*ONTARIO AND QUEBEC.*

First Session of  
Legislatures.

81. The Legislatures of Ontario and Quebec respectively shall be called together not later than six months after the Union.

Summoning of  
Legislative As-  
sembly.

82. The Lieutenant-Governor of Ontario and of Quebec shall, from time to time, in the Queen's name, by Instrument under the Great Seal of the Province, summon and call together the Legislative Assembly of the Province.

Restriction on  
election of  
holders of offices.

83. Until the Legislature of Ontario or of Quebec otherwise provides, a person accepting or holding in Ontario or in Quebec any office, commission or employment, permanent or temporary, at the nomination of the Lieutenant-Governor, to which an annual salary, or any fee, allowance, emolument, or profit of any kind or amount whatever from the Province is attached, shall not be eligible as a Member of the Legislative Assembly of the respective Province, nor shall he sit or vote as such; but nothing in this Section shall make ineligible any person being a Member of the Executive Council of the respective Provinces, or holding any of the following Offices, that is to say:—the Offices of Attorney-General, Secretary and Registrar of the Province, Treasurer of the Province, Commissioner of Crown Lands, and Commissioner of Agriculture and Public Works, and in Quebec Solicitor General, or shall disqualify him to sit or vote in the House for which he is elected, provided he is elected while holding such Office.

Continuance of  
existing election  
Laws.

84. Until the Legislatures of Ontario and Quebec respectively otherwise provide, all

laws which at the Union are in force in those Provinces respectively, relative to the following matters, or any of them, namely,—the qualifications and disqualifications of persons to be elected or to sit or vote as Members of the Assembly of Canada, the qualifications or disqualifications of voters, the oaths to be taken by voters, the Returning Officers, their powers and duties, the proceedings at Elections, the periods during which such Elections may be continued, and the trial of controverted Elections and the proceedings incident thereto, the vacating of the seats of Members and the issuing and execution of new Writs in case of seats vacated otherwise than by dissolution, shall respectively apply to Elections of Members to serve in the respective Legislative Assemblies of Ontario and Quebec.

Provided that until the Legislature of Ontario otherwise provides, at any Election for a Member of the Legislative Assembly of Ontario for the District of Algoma, in addition to persons qualified by the law of the Province of Canada to vote, every male British Subject, aged Twenty-one years or upwards, being a householder shall have a vote.

85. Every Legislative Assembly of Ontario and every Legislative Assembly of Quebec shall continue for Four Years from the day of the return of the Writs for choosing the same (subject nevertheless to either the Legislative Assembly of Ontario or the Legislative Assembly of Quebec being sooner

Duration of Legislative Assemblies.

dissolved by the Lieutenant-Governor of the Province), and no longer.

Yearly Session of  
Legislature.

86. There shall be a Session of the Legislature of Ontario and of that of Quebec once at least in every year, so that twelve months shall not intervene between the last sitting of the Legislature in each Province in one Session and its first sitting in the next Session.

Speaker, "quo-  
rum, &c.

87. The following provisions of this Act respecting the House of Commons of Canada shall extend and apply to the Legislative Assemblies of Ontario and Quebec, that is to say,—the provisions relating to the Election of a Speaker originally and on vacancies, the duties of the Speaker, the absence of the Speaker, the quorum, and the mode of voting, as if those provisions were here re-enacted and made applicable in terms to each such Legislative Assembly.

#### 4.—NOVA SCOTIA AND NEW BRUNSWICK.

Constitutions of  
Legislatures of  
Nova Scotia and  
New Brunswick.

88. The Constitution of the Legislature of each of the Provinces of Nova Scotia and New Brunswick shall, subject to the provisions of this Act, continue as it exists at the Union until altered under the authority of this Act; and the House of Assembly of New Brunswick existing at the passing of this Act shall, unless sooner dissolved, continue for the period for which it was elected.

#### 5.—ONTARIO, QUEBEC, AND NOVA SCOTIA.

First Elections.

89. Each of the Lieutenant-Governors of Ontario, Quebec, and Nova Scotia, shall

cause Writs to be issued for the first Election of Members of the Legislative Assembly thereof in such form and by such person as he thinks fit, and at such time and addressed to such Returning Officer as the Governor-General directs, and so that the first Election of Member of Assembly for any Electoral District or any sub-division thereof shall be held at the same time and at the same places as the Election for a Member to serve in the House of Commons of Canada for that Electoral District.

#### 6.—THE FOUR PROVINCES.

90. The following provisions of this Act respecting the Parliament of Canada, namely,—the provisions relating to appropriation and tax Bills, the recommendation of money votes, the assent to Bills, the disallowance of Acts, and the signification of pleasure on Bills reserved,—shall extend and apply to the Legislatures of the several Provinces as if those provisions were here re-enacted and made applicable in terms to the respective Provinces and the Legislatures thereof, with the substitution of the Lieutenant-Governor of the Province for the Governor-General, of the Governor General for the Queen and for a Secretary of State, of one year for two years, and of the Province for Canada.

Application to  
Legislatures of  
provisions res-  
pecting money  
votes, &c.

#### VI.—DISTRIBUTION OF LEGISLATIVE POWERS.

##### *Powers of the Parliament.*

91. It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons, to make

Legislative  
Authority of  
Parliament of  
Canada.

laws for the peace, order, and good government of Canada, in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this Section, it is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated, that is to say:—

1. The Public Debt and Property:
2. The regulation of Trade and Commerce:
3. The raising of money by any mode or system of Taxation:
4. The borrowing of money on the Public Credit:
5. Postal Service:
6. The Census and Statistics:
7. Militia, Military and Naval Service, and Defence:
8. The fixing of and providing for the Salaries and Allowances of Civil and other Officers of the Government of Canada:
9. Beacons, Buoys, Lighthouses, and Sable Island:
10. Navigation and Shipping:
11. Quarantine and the establishment and maintenance of Marine Hospitals:
12. Sea Coast and Inland Fisheries:

13. Ferries between a Province and any British or Foreign Country or between two Provinces:
14. Currency and Coinage:
15. Banking, Incorporation of Banks, and the issue of Paper Money:
16. Savings Banks:
17. Weights and Measures:
18. Bills of Exchange and Promissory Notes:
19. Interest:
20. Legal Tender:
21. Bankruptcy and Insolvency:
22. Patents of Invention and Discovery:
23. Copyrights:
24. Indians, and Lands reserved for the Indians:
25. Naturalization and Aliens:
26. Marriage and Divorce:
27. The Criminal Law, except the constitution of Courts of Criminal Jurisdiction, but including the procedure in Criminal matters:
28. The Establishment, Maintenance, and Management of Penitentiaries:
29. Such classes of subjects as are expressly excepted in the enumeration of the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces.

And any matter coming within any of the classes of subjects enumerated in this Section shall not be deemed to come within the



class of matters of a local or private nature comprised in the enumeration of the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces.

*Exclusive Powers of Provincial Legislatures.*

Subjects of exclusive Provincial Legislation.

92. In each Province the Legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated, that is to say:—

1. The amendment from time to time, notwithstanding anything in this Act, of the Constitution of the Province, except as regards the Office of Lieutenant-Governor:
2. Direct Taxation within the Province in order to the raising of a Revenue for Provincial purposes:
3. The borrowing of money on the sole credit of the Province:
4. The establishment and tenure of Provincial Offices, and the appointment and payment of Provincial officers:
5. The management and sale of the Public Lands belonging to the Province, and of the timber and wood thereon:
6. The establishment, maintenance, and management of Public and Reformatory Prisons in and for the Province:
7. The establishment, maintenance, and management of Hospitals, Asylums, Charities, and Eleemosynary Institutions in and for the Provinces, other than Marine Hospitals:



8. Municipal Institutions in the Province:
9. Shop, Saloon, Tavern, Auctioneer, and other Licences, in order to the raising of a Revenue for Provincial, Local, or Municipal purposes:
10. Local works and undertakings other than such as are of the following classes:
  - a.* Lines of Steam or other Ships, Railways, Canals, Telegraphs, and other works and undertakings connecting the Province with any other or others of the Provinces, or extending beyond the limits of the Province:
  - b.* Lines of Steam Ships between the Province and any British or Foreign Country:
  - c.* Such works as, although wholly situate within the Province, are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the Provinces:
11. The Incorporation of Companies with Provincial objects:
12. The Solemnization of Marriage in the Province:
13. Property and civil rights in the Province:
14. The Administration of Justice in the Province, including the constitution, maintenance, and organization of Provincial Courts, both of Civil and of Criminal Jurisdiction, and including procedure in civil matters in those Courts:

15. The imposition of punishment by fine, penalty, or imprisonment for enforcing any Law of the Province made in relation to any matter coming within any of the classes of subjects enumerated in this Section:

16. Generally all matters of a merely local or private nature in the Province.

*Education.*

Legislation re-  
specting Edu-  
cation.

93. In and for each Province the Legislature may exclusively make laws in relation to education, subject and according to the following provisions:—

1. Nothing in any such law shall prejudicially affect any right or privilege with respect to Denominational Schools which any class of persons have by law in the Province at the Union:
2. All the powers, privileges, and duties at the Union by law conferred and imposed in Upper Canada on the separate Schools and School Trustees of the Queen's Roman Catholic Subjects shall be and the same are hereby extended to the Dissentient Schools of the Queen's Protestant and Roman Catholic Subjects in Quebec:
3. Where in any Province a system of separate or Dissentient Schools exists by law at the Union or is thereafter established by the Legislature of the Province, an appeal shall lie to the Governor-General in Council from any act or decision of any Provincial authority

affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's Subjects in relation to Education:

4. In case any such Provincial law as from time to time seems to the Governor-General in Council requisite for the due execution of the provisions of this Section is not made, or in case any decision of the Governor-General in Council on any appeal under this Section is not duly executed by the proper Provincial authority in that behalf, then and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial laws for the due execution of the provisions of this Section and of any decision of the Governor-General in Council under this Section.

*Uniformity of Laws in Ontario, Nova Scotia, and New Brunswick.*

94. Notwithstanding anything in this Act, the Parliament of Canada may make provision for the uniformity of all or any of the laws relative to property and civil rights in Ontario, Nova Scotia and New Brunswick, and of the procedure of all or any of the Courts in those three Provinces, and from and after the passing of any Act in that behalf, the power of the Parliament of Canada to make laws in relation to any matter comprised in any such Act shall, notwithstanding anything in this Act, be unrestricted; but any Act of the Parliament of Canada making provision for such uniformity shall

Legislation for  
uniformity of  
Laws in three  
Provinces.

not have effect in any Province unless and until it is adopted and enacted as law by the Legislature thereof.

*Agriculture and Immigration.*

Concurrent  
powers of Legis-  
lation respecting  
Agriculture, &c.

95. In each Province the Legislature may make laws in relation to Agriculture in the Province, and to Immigration into the Province; and it is hereby declared that the Parliament of Canada may from time to time make laws in relation to Agriculture in all or any of the Provinces, and to Immigration into all or any of the Provinces; and any law of the Legislature of a Province relative to Agriculture or to Immigration shall have effect in and for the Province as long and as far only as it is not repugnant to any Act of the Parliament of Canada.

VII.—JUDICATURE.

Appointment of  
Judges.

96. The Governor-General shall appoint the Judges of the Superior, District, and County Courts in each Province, except those of the Courts of Probate in Nova Scotia and New Brunswick.

Selection of  
Judges in On-  
tario, &c.

97. Until the laws relative to property and civil rights in Ontario, Nova Scotia, and New Brunswick, and the procedure of the Courts in those Provinces, are made uniform, the Judges of the Courts of those Provinces appointed by the Governor-General shall be selected from the respective Bars of those Provinces.

Selection of  
Judges in  
Quebec.

98. The Judges of the Courts of Quebec shall be selected from the Bar of that Province.

99. The Judges of the Superior Courts shall hold office during good behaviour, but shall be removable by the Governor-General on address of the Senate and House of Commons.

Tenure of office  
of Judges of  
Superior Courts.

100. The salaries, allowances, and pensions of the Judges of the Superior, District, and County Courts (except the Courts of Probate in Nova Scotia and New Brunswick,) and of the Admiralty Courts in cases where the Judges thereof are for the time being paid by salary, shall be fixed and provided by the Parliament of Canada.

Salaries, &c., of  
Judges.

101. The Parliament of Canada may, notwithstanding anything in this Act, from time to time, provide for the constitution, maintenance, and organization of a General Court of Appeal for Canada, and for the establishment of any additional Courts for the better Administration of the Laws of Canada.

General Court of  
Appeal, &c.

#### VIII.—REVENUES; DEBTS; ASSETS; TAXATION.

102. All Duties and Revenues over which the respective Legislatures of Canada, Nova Scotia, and New Brunswick before and at the Union had and have power of appropriation, except such portions thereof as are by this Act reserved to the respective Legislatures of the Provinces, or are raised by them in accordance with the special powers conferred on them by this Act, shall form one Consolidated Revenue Fund, to be appropriated for the public service of Canada

Creation of  
Consolidated  
Revenue Fund.

in the manner and subject to the charges in this Act provided.

Expenses of collection, &c.

103. The Consolidated Revenue Fund of Canada shall be permanently charged with the costs, charges, and expenses incident to the collection, management, and receipt thereof, and the same shall form the first charge thereon, subject to be reviewed and audited in such manner as shall be ordered by the Governor-General in Council until the Parliament otherwise provides.

Interest of Provincial Public Debts.

104. The annual interest of the public debts of the several Provinces of Canada, Nova Scotia, and New Brunswick at the Union shall form the second charge on the Consolidated Revenue Fund of Canada.

Salary of Governor-General.

105. Unless altered by the Parliament of Canada, the salary of the Governor-General shall be Ten Thousand Pounds sterling money of the United Kingdom of Great Britain and Ireland, payable out of the Consolidated Revenue Fund of Canada, and the same shall form the third charge thereon.

Appropriation from time to time.

106. Subject to the several payments by this Act charged on the Consolidated Revenue Fund of Canada, the same shall be appropriated by the Parliament of Canada for the public service.

Transfer of stocks, &c.

107. All Stocks, Bankers' Balances, and Securities for money belonging to each Province at the time of the Union, except as in this Act mentioned, shall be the property of Canada, and shall be taken in reduction of the amount of the respective debts of the Provinces at the Union.

108. The Public Works and Property of each Province, enumerated in the Third Schedule to this Act, shall be the property of Canada.

Transfer of property in schedule.

109. All Lands, Mines, Minerals, and Royalties belonging to the several Provinces of Canada, Nova Scotia, and New Brunswick at the Union, and all sums then due or payable for such Lands, Mines, Minerals, or Royalties, shall belong to the several Provinces of Ontario, Quebec, Nova Scotia, and New Brunswick in which the same are situate or arise, subject to any trusts existing in respect thereof, and to any interest other than that of the Province in the same.

Property in Lands, Mines, &c.

110. All Assets connected with such portions of the Public Debt of each Province as are assumed by that Province shall belong to that Province.

Assets connected with Provincial debts.

111. Canada shall be liable for the Debts and Liabilities of each Province existing at the Union.

Canada to be liable for Provincial debts.

112. Ontario and Quebec conjointly shall be liable to Canada for the amount (if any) by which the debt of the Province of Canada exceeds at the Union Sixty-two million five hundred thousand Dollars, and shall be charged with interest at the rate of five per centum per annum thereon.

Debts of Ontario and Quebec.

113. The Assets enumerated in the Fourth Schedule to this Act, belonging at the Union to the Province of Canada shall be the property of Ontario and Quebec conjointly.

Assets of Ontario and Quebec.

114. Nova Scotia shall be liable to Canada for the amount (if any) by which its public

Debt of Nova Scotia.



debt exceeds at the Union Eight million Dollars, and shall be charged with interest at the rate of five per centum per annum thereon.

Debt of New Brunswick.

115. New Brunswick shall be liable to Canada for the amount (if any) by which its public debt exceeds at the Union Seven million Dollars, and shall be charged with interest at the rate of five per centum per annum thereon.

Payment of interest to Nova Scotia and New Brunswick.

116. In case the public debts of Nova Scotia and New Brunswick do not at the Union amount to Eight million and Seven million Dollars respectively, they shall respectively receive, by half-yearly payments in advance from the Government of Canada, interest at five per centum per annum on the difference between the actual amounts of their respective debts and such stipulated amounts.

Provincial Public property.

117. The several Provinces shall retain all their respective public property not otherwise disposed of in this Act, subject to the right of Canada to assume any lands or public property required for Fortifications or for the Defence of the Country.

Grants to Provinces.

118. The following sums shall be paid yearly by Canada to the several Provinces for the support of their Governments and Legislatures:—

	Dollars.
Ontario .....	Eighty Thousand.
Quebec .....	Seventy Thousand.
Nova Scotia.....	Sixty Thousand.
New Brunswick .....	Fifty Thousand.

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Two Hundred and Sixty Thousand;



and an annual grant in aid of each Province shall be made, equal to Eighty Cents per head of the population as ascertained by the census of One thousand eight hundred and sixty-one, and in the case of Nova Scotia and New Brunswick, by each subsequent decennial census until the population of each of those two Provinces amounts to Four hundred thousand souls, at which rate such grant shall thereafter remain. Such grants shall be in full settlement of all future demands on Canada, and shall be paid half-yearly in advance to each Province; but the Government of Canada shall deduct from such grants, as against any Province, all sums chargeable as interest on the public debt of that Province in excess of the several amounts stipulated in this Act.

119. New Brunswick shall receive by half-yearly payments in advance from Canada for the period of ten years from the Union an additional allowance of Sixty-three thousand Dollars per annum; but as long as the public debt of that Province remains under Seven million Dollars, a deduction equal to the interest at five per centum per annum on such deficiency shall be made from that allowance of Sixty-three thousand Dollars.

Further Grant to New Brunswick.

120. All payments to be made under this Act, or in discharge of liabilities created under any Act of the Provinces of Canada, Nova Scotia, and New Brunswick respectively, and assumed by Canada, shall, until the Parliament of Canada otherwise directs, be made in such form and manner as may

Form of payments.

from time to time be ordered by the Governor-General in Council.

Canadian manufactures, &c.

121. All articles of the growth, produce, or manufacture of any one of the Provinces shall, from and after the Union, be admitted free into each of the other Provinces.

Continuance of Customs and Excise Laws.

122. The Customs and Excise Laws of each Province shall, subject to the provisions of this Act, continue in force until altered by the Parliament of Canada.

Exportation and Importation as between two Provinces.

123. Where Customs Duties are, at the Union, leviable on any goods, wares, or merchandizes in any two Provinces, those goods, wares, and merchandizes may, from and after the Union, be imported from one of those Provinces into the other of them on proof of payment of the Customs Duty leviable thereon in the Province of exportation, and on payment of such further amount (if any) of Customs Duty as is leviable thereon in the Province of importation.

Lumber Dues in New Brunswick.

124. Nothing in this Act shall affect the right of New Brunswick to levy the lumber dues provided in Chapter Fifteen of Title Three of the Revised Statutes of New Brunswick, or in any Act amending that Act before or after the Union, and not increasing the amount of such dues; but the lumber of any of the Provinces other than New Brunswick shall not be subject to such dues.

Exemption of Public Lands, &c.

125. No Lands or Property belonging to Canada or any Province shall be liable to taxation.

Provincial Consolidated Revenue Fund.

126. Such portions of the Duties and Revenues over which the respective Legislatures

of Canada, Nova Scotia, and New Brunswick had before the Union power of appropriation as are by this Act reserved to the respective Governments or Legislatures of the Provinces, and all Duties and Revenues raised by them in accordance with the special powers conferred upon them by this Act, shall in each Province form one Consolidated Revenue Fund to be appropriated for the Public Service of the Province.

### IX.—MISCELLANEOUS PROVISIONS.

#### *General.*

127. If any person being, at the passing of this Act, a Member of the Legislative Council of Canada, Nova Scotia, or New Brunswick, to whom a place in the Senate is offered, does not within thirty days thereafter, by writing under his hand addressed to the Governor-General of the Province of Canada, or to the Lieutenant-Governor of Nova Scotia or New Brunswick (as the case may be), accept the same, he shall be deemed to have declined the same; and any person who, being at the passing of this Act a Member of the Legislative Council of Nova Scotia or New Brunswick, accepts a place in the Senate shall thereby vacate his Seat in such Legislative Council.

As to Legislative  
Councillors of  
Provinces be-  
coming Senators

128. Every Member of the Senate or House of Commons of Canada shall, before taking his Seat therein, take and subscribe before the Governor-General or some person authorized by him, and every Member of a Legislative Council or Legislative Assembly of any Province shall, before taking his Seat

Oath of Alle-  
giance, &c.

therein, take and subscribe before the Lieutenant-Governor of the Province or some person authorized by him, the Oath of Allegiance contained in the Fifth Schedule to this Act; and every Member of the Senate of Canada and every Member of the Legislative Council of Quebec shall also, before taking his Seat therein, take and subscribe before the Governor-General or some person authorized by him, the Declaration of Qualification contained in the same Schedule.

Continuance of  
existing Laws,  
Courts, Officers,  
&c.

129. Except as otherwise provided by this Act, all Laws in force in Canada, Nova Scotia, or New Brunswick at the Union, and all Courts of Civil and Criminal Jurisdiction, and all legal Commissions, Powers, and Authorities, and all Officers, Judicial, Administrative, and Ministerial, existing therein at the Union, shall continue in Ontario, Quebec, Nova Scotia, and New Brunswick respectively, as if the Union had not been made; subject nevertheless (except with respect to such as are enacted by or exist under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland,) to be repealed, abolished, or altered by the Parliament of Canada, or by the Legislature of the respective Province, according to the authority of the Parliament or of that Legislature under this Act.

Transfer of Officers to Canada.

130. Until the Parliament of Canada otherwise provides, all Officers of the several Provinces having duties to discharge in relation to matters other than those coming within the classes of subjects by this Act

assigned exclusively to the Legislatures of the Provinces shall be Officers of Canada, and shall continue to discharge the duties of their respective offices under the same liabilities, responsibilities, and penalties as if the Union had not been made.

131. Until the Parliament of Canada otherwise provides, the Governor-General in Council may from time to time appoint such Officers as the Governor-General in Council deems necessary or proper for the effectual execution of this Act. Appointment of new Officers.

132. The Parliament and Government of Canada shall have all powers necessary or proper for performing the obligations of Canada or of any Province thereof, as part of the British Empire, towards Foreign Countries, arising under Treaties between the Empire and such Foreign Countries. Treaty obligations.

133. Either the English or French language may be used by any person in the debates of the Houses of the Parliament of Canada and of the Houses of the Legislature of Quebec; and both those Languages shall be used in the respective Records and Journals of those Houses; and either of those Languages may be used by any person or in any pleading or process in or issuing from any Court of Canada established under this Act, and in or from all or any of the Courts of Quebec. Use of English and French languages.

The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both those Languages.

*Ontario and Quebec.*

134. Until the Legislature of Ontario or of Appointment of Executive Offi-

ers for Ontario  
and Quebec.

Quebec otherwise provides, the Lieutenant-Governors of Ontario and Quebec may each appoint, under the Great Seal of the Province, the following Officers, to hold office during pleasure, that is to say,—the Attorney-General, the Secretary and Registrar of the Province, the Treasurer of the Province, the Commissioner of Crown Lands, and the Commissioner of Agriculture and Public Works, and in the case of Quebec the Solicitor-General; and may, by order of the Lieutenant-Governor in Council, from time to time prescribe the duties of those Officers and of the several Departments over which they shall preside or to which they shall belong, and of the Officers and Clerks thereof; and may also appoint other and additional Officers to hold office during pleasure, and may from time to time prescribe the duties of those Officers, and of the several Departments over which they shall preside or to which they shall belong, and of the Officers and Clerks thereof.

Powers, duties,  
&c., of Execu-  
tive Officers.

135. Until the Legislature of Ontario or Quebec otherwise provides, all rights, powers, duties, functions, responsibilities, or authorities at the passing of this Act vested in or imposed on the Attorney-General, Solicitor-General, Secretary and Registrar of the Province of Canada, Minister of Finance, Commissioner of Crown Lands, Commissioner of Public Works, and Minister of Agriculture and Receiver-General, by any Law, Statute, or Ordinance of Upper Canada, Lower Canada, or Canada, and not repugnant to this Act, shall be vested in or im-



posed on any Officer to be appointed by the Lieutenant-Governor for the discharge of the same or any of them; and the Commissioner of Agriculture and Public Works shall perform the duties and functions of the office of Minister of Agriculture at the passing of this Act imposed by the law of the Province of Canada, as well as those of the Commissioner of Public Works.

136. Until altered by the Lieutenant-Governor in Council, the Great Seals of Ontario and Quebec respectively shall be the same, or of the same design as those used in the Provinces of Upper Canada and Lower Canada respectively before their Union as the Province of Canada. Great Seals.

137. The words "and from thence to the end of the then next ensuing Session of the Legislature," or words to the same effect, used in any temporary Act of the Province of Canada not expired before the Union, shall be construed to extend and apply to the next Session of the Parliament of Canada, if the subject matter of the Act is within the powers of the same, as defined by this Act, or to the next Sessions of the Legislatures of Ontario and Quebec respectively, if the subject matter of the Act is within the powers of the same as defined by this Act. Construction of temporary Acts.

138. From and after the Union the use of the words "Upper Canada" instead of "Ontario," or "Lower Canada" instead of "Quebec," in any Deed, Writ, Process, Pleading, Document, Matter, or Thing, shall not invalidate the same. As to errors in names.

As to issue of Proclamations before Union, to commence after Union.

139. Any Proclamation under the Great Seal of the Province of Canada issued before the Union to take effect at a time which is subsequent to the Union, whether relating to that Province, or to Upper Canada, or to Lower Canada, and the several matters and things therein proclaimed shall be and continue of like force and effect as if the Union had not been made.

As to issue of Proclamations after Union.

140. Any Proclamation which is authorized by any Act of the Legislature of the Province of Canada to be issued under the Great Seal of the Province of Canada, whether relating to that Province, or to Upper Canada, or to Lower Canada and which is not issued before the Union, may be issued by the Lieutenant-Governor of Ontario or of Quebec, as its subject matter requires, under the Great Seal thereof; and from and after the issue of such Proclamation the same and the several matters and things therein proclaimed shall be and continue of the like force and effect in Ontario or Quebec as if the Union had not been made.

Penitentiary.

141. The Penitentiary of the Province of Canada shall, until the Parliament of Canada otherwise provides, be and continue the Penitentiary of Ontario and of Quebec.

Arbitration respecting Debts, &c.

142. The division and adjustment of the Debts, Credits, Liabilities, Properties, and Assets of Upper Canada and Lower Canada shall be referred to the arbitrament of three arbitrators, one chosen by the Government of Ontario, one by the Government of Quebec, and one by the Government of Canada; and



the selection of the arbitrators shall not be made until the Parliament of Canada and the Legislatures of Ontario and Quebec have met; and the arbitrator chosen by the Government of Canada shall not be a resident either in Ontario or in Quebec.

143. The Governor-General in Council may from time to time order that such and so many of the records, books, and documents of the Province of Canada as he thinks fit shall be appropriated and delivered either to Ontario or to Quebec, and the same shall thenceforth be the property of that Province; and any copy thereof or extract therefrom, duly certified by the Officer having charge of the original thereof, shall be admitted as evidence.

Division of  
Records.

144. The Lieutenant-Governor of Quebec may from time to time, by Proclamation under the Great Seal of the Province, to take effect from a day to be appointed therein, constitute Townships in those parts of the Province of Quebec in which Townships are not then already constituted, and fix the metes and bounds thereof.

Constitution of  
townships in  
Quebec.

#### X.—INTERCOLONIAL RAILWAY.

145. Inasmuch as the Provinces of Canada, Nova Scotia, and New Brunswick have joined in a declaration that the construction of the Intercolonial Railway is essential to the consolidation of the Union of British North America, and to the assent thereto of Nova Scotia and New Brunswick, and have consequently agreed that provision should be made for its immediate construction by the

Duty of Govern-  
ment and Par-  
liament of Can-  
ada to make  
railway herein  
described.

Government of Canada: Therefore, in order to give effect to that agreement, it shall be the duty of the Government and Parliament of Canada to provide for the commencement, within Six Months after the Union, of a Railway connecting the River St. Lawrence with City of Halifax in Nova Scotia, and for the construction thereof without intermission, and the completion thereof with all practicable speed.

#### XI.—ADMISSION OF OTHER COLONIES.

Power to admit Newfoundland, &c., into the Union.

146. It shall be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, on Addresses from the Houses of the Parliament of Canada, and from the Houses of the respective Legislatures of the Colonies or Provinces of Newfoundland, Prince Edward Island, and British Columbia, to admit those Colonies or Provinces, or any of them, into the Union, and on Address from the Houses of the Parliament of Canada to admit Rupert's Land and the North-Western Territory, or either of them, into the Union, on such terms and conditions in each case as are in the Addresses expressed and as the Queen thinks fit to approve, subject to the provisions of this Act; and the provisions of any Order in Council in that behalf shall have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland.

As to representation of Newfoundland and Prince Edward Island in Senate.

147. In case of the admission of Newfoundland and Prince Edward Island, or either of them, each shall be entitled to a representation in the Senate of Canada of

Four Members, and (notwithstanding anything in this Act) in case of the admission of Newfoundland the normal number of Senators shall be Seventy-six and their maximum number shall be Eighty-two; but Prince Edward Island when admitted shall be deemed to be comprised in the third of the Three Divisions into which Canada is, in relation to the constitution of the Senate, divided by this Act, and accordingly, after the admission of Prince Edward Island, whether Newfoundland is admitted or not, the representation of Nova Scotia and New Brunswick in the Senate shall, as vacancies occur, be reduced from Twelve to Ten Members respectively, and the representation of each of those Provinces shall not be increased at any time beyond Ten, except under the provisions of this Act for the appointment of Three or Six additional Senators under the direction of the Queen.

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## SCHEDULES.

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### THE FIRST SCHEDULE.

*Electoral Districts of Ontario.*

[Omitted.]

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### THE SECOND SCHEDULE.

*Electoral Districts of Quebec specially fixed.*

[Omitted.]

## THE THIRD SCHEDULE.

*Provincial Public Works and Property to be the Property of Canada.*

1. Canals, with lands and water power connected therewith.
  2. Public Harbours.
  3. Lighthouses and Piers, and Sable Island.
  4. Steamboats, Dredges, and Public Vessels.
  5. Rivers and Lake Improvements.
  6. Railways and Railway Stocks, Mortgages, and other Debts due by Railway Companies.
  7. Military Roads.
  8. Custom Houses, Post Offices, and all other Public Buildings, except such as the Government of Canada appropriate for the use of the Provincial Legislatures and Governments.
  9. Property transferred by the Imperial Government, and known as Ordnance Property.
  10. Armouries, Drill Sheds, Military Clothing, and Munitions of War, and Lands set apart for general Public Purposes.
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## THE FOURTH SCHEDULE.

*Assets to be the Property of Ontario and Quebec conjointly.*

[Omitted.]

## THE FIFTH SCHEDULE.

*Oath of Allegiance.*

I, A. B., do swear, that I will be faithful and bear true Allegiance to Her Majesty Queen Victoria.

NOTE.—*The name of the King or Queen of the United Kingdom of Great Britain and Ireland for the time being is to be substituted from time to time, with proper terms of reference thereto.*

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*Declaration of Qualification.*

I, A. B., do declare and testify, that I am by law duly qualified to be appointed a Member of the Senate of Canada [*or as the case may be*], and that I am legally or equitably seised as of Freehold for my own use and benefit of Lands or Tenements held in free and common Socage [*or seised or possessed for my own use and benefit of Lands or Tenements held in Franc-alieu or in Roture (as the case may be)*], in the Province of Nova Scotia [*or as the case may be*] of the value of Four Thousand Dollars over and above all Rents, Dues, Debts, Mortgages, Charges, and Incumbrances due or payable out of or charged on or affecting the same, and that I have not collusively or colourably obtained a title to or become possessed of the said Lands and Tenements, or any part thereof, for the purpose of enabling me to become a Member of the Senate of Canada [*or as the case may be*], and that my Real and Personal Property are together worth Four Thousand Dollars over and above my Debts and Liabilities.

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TERMS AND CONDITIONS

UNDER WHICH THE

COLONY OF BRITISH COLUMBIA

ENTERED INTO UNION WITH THE

DOMINION OF CANADA.







## AT THE COURT AT WINDSOR,

THE 16TH DAY OF MAY, 1871.

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PRESENT:

The QUEEN's Most Excellent Majesty.

His Royal Highness Prince ARTHUR.

Lord Privy Seal.

Lord Chamberlain.

Earl Cowper.

Mr. Secretary Cardwell.

Earl of Kimberley.

Mr. Ayrton.

**W**HEREAS by the "British North America Act, 1867," provision was made for the Union of the Provinces of Canada, Nova Scotia, and New Brunswick into the Dominion of Canada, and it was (amongst other things) enacted that it should be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, on Addresses from the Houses of the Parliament of Canada, and of the Legislature of the Colony of British Columbia, to admit that Colony into the said Union on such terms and conditions as should be in the Addresses expressed, and as the Queen should think fit to approve, subject to the provisions of the said Act. And it was further enacted that the provisions of any Order in Council in that behalf should have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland.

And whereas by Addresses from the Houses of the Parliament of Canada and from the Legislative Council of British Columbia respectively, of which Addresses copies are contained in the Schedule to this Order annexed, Her Majesty was prayed, by and with the advice of Her Most Honourable Privy Council, under the one hundred and forty-sixth section of the hereinbefore recited Act, to admit British Columbia into the Dominion of Canada, on the terms and conditions set forth in the said Addresses.

And whereas Her Majesty has thought fit to approve of the said terms and conditions. It is hereby ordered and declared by Her Majesty, by and with the advice of Her Privy Council, in pursuance and exercise of the powers vested in Her Majesty by the said Act of Parliament, that from and after the twentieth day of July, one thousand eight hundred and seventy-one, the said Colony of British Columbia shall be admitted into and become part of the Dominion of Canada, upon the terms and conditions set forth in the hereinbefore recited Addresses. And, in accordance with the terms of the said Addresses relating to the Electoral Districts in British Columbia for which the first election of members to serve in the House of Commons of the said Dominion shall take place, it is hereby further ordered and declared that such Electoral Districts shall be as follows:—

“New Westminster District” and the “Coast District,” as defined in a public notice issued from the Lands and Works Office in the said Colony on the fifteenth day of December, one thousand eight hundred and sixty-nine, by the desire of the Governor, and purporting to be in accordance with the provisions of the thirty-ninth clause of the “Mineral Ordinance, 1869,” shall constitute

one district, to be designated "New Westminster District," and return one member.

"Cariboo District" and "Lillooet District," as specified in the said public notice, shall constitute one district, to be designated "Cariboo District," and return one member.

"Yale District" and "Kootenay District," as specified in the said public notice, shall constitute one district, to be designated "Yale District," and return one member.

Those portions of Vancouver Island known as "Victoria District," "Esquimalt District," and "Metchosin District," as defined in the official maps of those districts which are in the Land Office, Victoria, and are designated respectively "Victoria District Official Map, 1858," "Esquimalt District Official Map, 1858," and "Metchosin District Official Map, A. D. 1858," shall constitute one district, to be designated "Victoria District," and return two members.

All the remainder of Vancouver Island, and all such islands adjacent thereto as were formerly dependencies of the late Colony of Vancouver Island, shall constitute one district, to be designated "Vancouver Island District," and return one member.

And the Right Honourable Earl of Kimberley, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

(Signed)      ARTHUR HELPS.

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## THE TERMS OF UNION.

1. Canada shall be liable for the debts and liabilities of British Columbia existing at the time of the Union.

2. British Columbia not having incurred debts equal to those of the other Provinces now constituting the Dominion, shall be entitled to receive, by half-yearly payments, in advance, from the General Government, interest at the rate of five per cent. per annum on the difference between the actual amount of its indebtedness at the date of the Union and the indebtedness per head of the population of Nova Scotia and New Brunswick (27.77 dollars), the population of British Columbia being taken at 60,000.

3. The following sums shall be paid by Canada to British Columbia for the support of its Government and Legislature, to wit, an annual subsidy of 35,000 dollars, and an annual grant equal to 80 cents per head of the said population of 60,000, both half-yearly in advance; such grant of 80 cents per head to be augmented in proportion to the increase of population, as may be shown by each subsequent decennial census, until the population amounts to 400,000, at which rate such grant shall thereafter remain, it being understood that the first census be taken in the year 1881.

4. The Dominion will provide an efficient mail service, fortnightly, by steam communication, between Victoria and San Francisco, and twice a week between Victoria and Olympia; the vessels to be adapted for the conveyance of freight and passengers.

5. Canada will assume and defray the charges for the following services:—

A. Salary of the Lieutenant-Governor;

- B. Salaries and allowances of the Judges of the Superior Courts and the County or District Courts;
- C. The charges in respect to the Department of Customs;
- D. The Postal and Telegraphic Services;
- E. Protection and encouragement of Fisheries;
- F. Provision for the Militia;
- G. Lighthouses, Buoys, and Beacons, Shipwrecked crews, Quarantine and Marine Hospitals, including a Marine Hospital at Victoria;
- H. The Geological Survey;
- I. The Penitentiary.

And such further charges as may be incident to and connected with the services which, by the "British North America Act of 1867," appertain to the General Government, and as are or may be allowed to the other Provinces.

6. Suitable pensions, such as shall be approved of by Her Majesty's Government, shall be provided by the Government of the Dominion for those of Her Majesty's servants in the Colony whose position and emoluments derived therefrom would be affected by political changes on the admission of British Columbia into the Dominion of Canada.

7. It is agreed that the existing Customs Tariff and Excise Duties shall continue in force in British Columbia until the Railway from the Pacific Coast and the system of Railways in Canada are connected, unless the Legislature of British Columbia should sooner decide to accept the tariff and excise laws of Canada. When customs and excise duties are, at the time of the union of British Columbia with Canada, leviable on any goods, wares, or merchandizes in British Columbia, or in the

other Provinces of the Dominion, those goods, wares, and merchandizes may, from and after the Union, be imported into British Columbia from the Provinces now composing the Dominion, or from either of those Provinces into British Columbia, on proof of payment of the customs or excise duties leviabie thereon in the Province of exportation, and on payment of such further amount (if any) of customs or excise duties as are leviabie thereon in the Province of importation. This arrangement to have no force or effect after the assimilation of the tariff and excise duties of British Columbia with those of the Dominion.

8. British Columbia shall be entitled to be represented in the Senate by three members, and by six members in the House of Commons. The representation to be increased under the provisions of the "British North America Act, 1867."

9. The influence of the Dominion Government will be used to secure the continued maintenance of the Naval Station at Esquimalt.

10. The provisions of the "British North America Act, 1867," shall (except those parts thereof which are in terms made, or by reasonable intendment may be held to be specially applicable to and only affect one and not the whole of the Provinces now comprising the Dominion, and except so far as the same may be varied by this Minute) be applicable to British Columbia, in the same way and to the like extent as they apply to the other Provinces of the Dominion, and as if the Colony of British Columbia had been one of the Provinces originally united by the said Act.

11. The Government of the Dominion undertake to secure the commencement simultaneously, within two years from the date of Union, of the construction of a Railway from the Pacific towards the Rocky Mountains,



and from such point as may be selected, east of the Rocky Mountains, towards the Pacific, to connect the seaboard of British Columbia with the railway system of Canada; and further, to secure the completion of such Railway within ten years from the date of the union.

And the Government of British Columbia agree to convey to the Dominion Government, in trust, to be appropriated in such manner as the Dominion Government may deem advisable in furtherance of the construction of the said Railway, a similar extent of public lands along the line of Railway, throughout its entire length in British Columbia, not to exceed, however, Twenty (20) miles on each side of said line, as may be appropriated for the same purpose by the Dominion Government from the public lands in the North-west Territories and the Province of Manitoba. ✕ Provided, that the quantity of land which may be held under pre-emption right or by Crown grant within the limits of the tract of land in British Columbia to be so conveyed to the Dominion Government shall be made good to the Dominion from contiguous public lands; and, provided further, that until the commencement, within two years as aforesaid from the date of the union, of the construction of the said Railway, the Government of British Columbia shall not sell or alienate any further portions of the public lands of British Columbia in any other way than under right of pre-emption, requiring actual residence of the pre-emptor on the land claimed by him. In consideration of the land to be so conveyed in aid of the construction of the said Railway, the Dominion Government agree to pay to British Columbia, from the date of the union, the sum of 100,000 Dollars per annum, in half-yearly payments in advance.

12. The Dominion Government shall guarantee the interest for ten years from the date of the completion

of the works, at the rate of five per centum per annum, on such sum, not exceeding £100,000 sterling, as may be required for the construction of a first class Graving Dock at Esquimalt.

13. The charge of the Indians, and the trusteeship and management of the lands reserved for their use and benefit, shall be assumed by the Dominion Government, and a policy as liberal as that hitherto pursued by the British Columbia Government shall be continued by the Dominion Government after the union.

To carry out such policy, tracts of land of such extent as it has hitherto been the practice of the British Columbia Government to appropriate for that purpose, shall from time to time be conveyed by the Local Government to the Dominion Government in trust for the use and benefit of the Indians, on application of the Dominion Government; and in case of disagreement between the two Governments respecting the quantity of such tracts of land to be so granted, the matter shall be referred for the decision of the Secretary of State for the Colonies.

14. The constitution of the Executive Authority and of the Legislature of British Columbia shall, subject to the provisions of the "British North America Act, 1867," continue as existing at the time of the union until altered under the authority of the said Act, it being at the same time understood that the Government of the Dominion will readily consent to the introduction of Responsible Government when desired by the inhabitants of British Columbia, and it being likewise understood that it is the intention of the Governor of British Columbia, under the authority of the Secretary of State for the Colonies, to amend the existing constitution of the Legislature by providing that a majority of its members shall be elective.



The union shall take effect according to the foregoing terms and conditions on such day as Her Majesty by and with the advice of Her Most Honourable Privy Council may appoint (on Addresses from the Legislature of the Colony of British Columbia and of the Houses of Parliament of Canada, in the terms of the 146th Section of the "British North America Act, 1867," and British Columbia may in its Address specify the Electoral Districts for which the first election of members to serve in the House of Commons shall take place.

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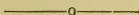
RULES, ORDERS,  
AND  
FORMS OF PROCEEDING  
OF THE  
LEGISLATIVE ASSEMBLY  
OF  
BRITISH COLUMBIA.





# RULES, ORDERS, AND FORMS OF PROCEEDING OF THE

LEGISLATIVE ASSEMBLY OF BRITISH COLUMBIA.



## 1.—REGULATION AND MANAGEMENT OF THE HOUSE.

1. The time for the ordinary meeting of the House shall, unless otherwise ordered, be at eleven o'clock in the forenoon of each sitting day, and if at that hour there be not a quorum, Mr. Speaker may take the Chair and adjourn. When the House rises on Friday, it shall stand adjourned, unless otherwise ordered, until the following Monday.

2. If at the hour of Six o'clock p.m., the Business of the day be not concluded, Mr. Speaker shall leave the Chair until half-past Seven, or until such other hour as may be agreed upon.

3. When the House adjourns the members shall keep their seats until the Speaker has left the Chair.

4. The presence of at least Nine Members of the House, including the Speaker or Chairman, elected as hereinafter provided, shall be necessary to constitute a Meeting of the said House for the exercise of its powers.

5. Whenever the Speaker shall adjourn the House for want of a Quorum, the time of the adjournment and the names of the Members then present shall be inserted in the Journal.

6. If the Speaker, from illness or other cause, does not attend a meeting of the Assembly, a Member elected by the Assembly may preside at such Meeting until the close of such Meeting, or until the Speaker himself arrives and takes the Chair; and whenever the Speaker, from illness or other cause, finds it necessary to leave the Chair during a meeting of the Assembly, on any day, he may call on any Member thereof to take the Chair and act as Speaker during the remainder of such day, unless the Speaker himself resume the Chair before the close of the sittings for that day, and the Member so elected or so called upon shall take the Chair and act as Speaker accordingly; and every Act passed, and every Order made, and thing done by the said Assembly, while such Member is acting as Speaker as aforesaid, shall be as valid and effectual to all intents and purposes, as if done while the Speaker himself was presiding in the Chair.

7. In case of the absence, for any reason, of the Speaker from the Chair of the Assembly for a period of forty-eight consecutive hours, the Assembly may elect another of its Members to act as Speaker, and the Member so elected shall during the continuance of such absence of the Speaker, have and execute all the powers, privileges, and duties of the Speaker.

8. Any Stranger admitted into any part of the House or Gallery, who shall misconduct himself, or shall not withdraw when Strangers are directed to withdraw, while the House, or any Committee of the whole House, is sitting, shall be taken into custody by the Sergeant-at-Arms; and no person so taken into custody is to be discharged without the special order of the House.

9. Any Member may require the House to be cleared of Strangers, and the Speaker shall immediately give directions to the Sergeant-at-Arms to execute the order, without debate.

10. The Speaker shall preserve Order and Decorum, and shall decide Questions of Order, subject to an appeal to the House. In explaining a point of Order or practice he shall state the Rule or authority applicable to the case.

11. The Speaker shall not take part in any Debate before the House. In case of an equality of Votes, Mr. Speaker gives a casting vote, and any reasons stated by him are entered in the Journal.

## II.—RULES OF DEBATE.

12. Every Member desiring to speak is to rise in his place, uncovered, and address himself to Mr. Speaker.

13. When two or more Members rise to speak, Mr. Speaker calls upon the Member who first rose in his place; but a motion may be made that any Member who has risen “be now heard,” or “do now speak.”

14. A Member called to Order by the Speaker shall sit down, but may afterwards explain. The House, if appealed to, shall decide on the case, but without debate. If there be no appeal, the decision of the Chair shall be final.

15. No Member shall speak disrespectfully of Her Majesty, nor of any of the Royal Family, nor of the Governor or person administering the Government of Canada, nor of the Lieutenant-Governor of this Province; nor shall he use offensive words against any Member of this House; nor shall he speak beside the question in Debate. No Member may reflect upon any Vote of the House, except for the purpose of moving that such Vote be rescinded.



16. Any Member may require the Question under discussion to be read at any time of the Debate, but not so as to interrupt a Member while speaking.

17. No member may speak twice to a Question, except in explanation of a material part of his speech, in which he may have been misconceived, but then he is not to introduce new matter. A reply is allowed to a Member who has made a substantive motion to the House, but not to any Member who has moved an Order of the Day, an Amendment, the Previous Question, or an instruction to a Committee.

### III.—CONDUCT OF MEMBERS.

18. No Member is entitled to Vote upon any question in which he has a direct pecuniary interest, and the Vote of any Member so interested shall be disallowed.

19. When the Speaker is putting a question, no Member shall walk out of or across the House, or make any noise or disturbance; and when a Member is speaking no Member shall interrupt him, except to Order, nor pass between him and the Chair; and no Member may pass between the Chair and the Table, nor between the Chair and the Mace, when the Mace has been taken off the Table by the Sergeant.

### IV.—BUSINESS OF THE HOUSE.

#### *Routine Business.*

20. The ordinary Daily Routine of Business in the House shall be as follows:—

Presenting Petitions.

Reading and Receiving Petitions.

Presenting Reports by Standing and Select Committees.

Motions.

The Order of Business for the consideration of the House, day by day, after the above Daily Routine, shall be as follows:—

MONDAY.

Private Bills.  
Questions put by Members.  
Notices of Motions.  
Public Bills and Orders.

TUESDAY.

Government Notice of Motions.  
Government Orders.  
Public Bills and Orders.  
Questions put by Members.  
Other Notices of Motions.

WEDNESDAY.

(Until the hour of six o'clock, p. m.)

Questions put by Members.  
Notices of Motions.  
Public Bills and Orders.

(From half-past seven o'clock, p. m.)

For the first hour, Private Bills.  
Public Bills and Orders.

THURSDAY.

(Until the hour of six o'clock, p. m.)

Questions put by Members.  
Notices of Motions.  
Public Bills and Orders.

(From half-past seven o'clock, p. m.)

For the first hour, Private Bills.  
Public Bills and Orders.

## FRIDAY.

Government Notices of Motions.

Government Orders.

Public Bills and Orders.

Questions put by Members.

Other Notices of Motions.

(For first hour after half-past seven o'clock, p. m.)

Private Bills.

21. Orders of the Day for the Third Reading of Bills shall take precedence of all other Orders for the same day, except Orders to which the House has previously given priority.

22. Bills reported from Committees of the Whole House, with Amendment, shall be placed on the Orders of the Day for consideration by the House next after the Third Readings.

23. Bills reported after Second Reading from any Standing or Select Committee shall be placed on the Order of the Day following the reception of the Report for reference to a Committee of the Whole House, in their proper order, next after Bills reported from Committees of the Whole House.

24. All items standing on the Orders of the Day shall be taken up according to the precedence assigned to each on the Order Book; the right being reserved to the Administration of placing Government Orders at the Head of the List on every Order Day except Wednesday.

25. Items not taken up when called shall be dropped. Dropped Orders shall be set down in the Order Book after the Orders of the Day for the next day on which the House shall sit.

26. All Orders undisposed of at the adjournment of the House shall be postponed until next sitting day,

without a Motion to that effect, and shall have precedence over all other Orders except Government Orders.

27. A Motion for Reading the Orders of the Day shall have preference to any Motion before the House.

#### QUESTIONS PUT BY MEMBERS.

28. Questions may be put to Ministers of the Crown relating to Public affairs; and to other Members, relating to any Bill, Motion, or other Public Matter connected with the Business of the House, in which such Members may be concerned; but in putting any such Question, no argument or opinion is to be offered, nor any facts stated. And in answering any such question, a Member is not to debate the Matter to which the same refers.

#### MOTIONS AND QUESTIONS.

29. A Motion to adjourn shall always be in Order, but no second Motion to the same effect shall be made until after some intermediate proceeding shall have been had.

30. Two days' Notice shall be given of a Motion for leave to present a Bill, Resolution, or Address, for the appointment of any Committee, or for the putting of a Question, but this Rule shall not apply to Bills after their introduction, or to Private Bills, or to the times of Meeting or adjournment of the House. Such Notice to be laid on the Table before Five o'clock p. m.

31. A Motion may be made by unanimous consent of the House, without previous notice.

32. All motions, except a Motion to Adjourn and the Previous Question, shall be written in ink, and seconded, and signed by mover and seconder, before being debated or put from the Chair. When a motion is seconded, it shall be read by the Speaker before debate.

33. A Member who has made a Motion may withdraw the same by leave of the House.

34. The Previous Question until it is decided, shall preclude all amendment of the Main Question and all debate, and shall be in the following words "That this question be now put." If the Previous Question be resolved in the affirmative, the Original Question is to be put forthwith, without any amendment or debate.

35. A Motion to commit a Bill or Question until decided, shall preclude all Amendment of the Main Question.

36. Whenever the Speaker is of opinion that a Motion offered to the House is contrary to the Rules and Privileges of Parliament, he shall apprise the House thereof immediately before putting the Question thereon, and quote the Rule or authority applicable to the case.

#### PRIVILEGE.

37. Whenever any Matter of Privilege arises it shall be taken into consideration immediately.

#### PROCEEDINGS ON BILLS.

38. Every Bill shall be introduced upon Motion for leave, specifying the Title of the Bill, or upon Motion to appoint a Committee to prepare and bring it in.

39. No Bill may be introduced either in blank or in imperfect shape.

40. No Bill relating to Trade, or the alteration of the laws concerning Trade, is to be brought into the House until the proposition shall have been first considered in a Committee of the Whole House, and agreed unto by the House.

41. When any Bill shall be presented by a Member, in pursuance of an Order of the House, the Question

“That this Bill be now read a first time” shall be decided without amendment or debate.

42. Every Bill shall receive three several readings, on different days, previously to being passed. On urgent or extraordinary occasions a Bill may be read twice or thrice, or advanced two or more stages in one day.

43. When a Bill is read in the House the Clerk shall certify upon it the Readings and the time thereof. After it has passed he shall certify the same, with the date, at the foot of the Bill.

44. Every Public Bill shall be read twice in the House before committal or amendment.

45. In proceedings in Committee of the Whole House upon Bills, the Preamble shall be first postponed, and then every Clause considered by the Committee in its proper order; the Preamble and Title to be last considered.

46. All amendments made in Committee shall be reported by the Chairman to the House, which shall receive the same forthwith. After Report, the Bill shall be open to debate and amendment, before it is ordered for a Third Reading. But when a Bill is Reported without amendment, it is forthwith ordered to be read a Third Time, at such time as may be ordered by the House. Whenever any Bill shall be presented to the Governor for his assent thereto, he may return the same by Message for the re-consideration of the Assembly, with such amendments as he may think fitting.

47. It shall be the duty of the Law Clerk to revise all Public Bills after their First Reading, and to certify thereon that the same are correct; and in every subsequent stage of such Bills the Law Clerk shall be



responsible for the correctness of said Bills, should they be amended. And he shall prepare a Breviat of every Public Bill, previous to the Second Reading thereof.

#### PRIVATE BILLS.

48. No Petition for any Private Bill is received by the House after the first three weeks of each Session; nor may any Private Bill be presented to the House after the first four weeks of each Session; nor may any Report of any Standing or Select Committee upon a Private Bill be received after the first six weeks of each Session. And no Motion for the general suspension or modification of this Rule shall be entertained by the House, unless after reference made thereof at a previous sitting of the House, to the Standing Committees charged with consideration of Private Bills, or upon Report submitted by one of such Committees.

49. The Clerk of the House shall, during each Recess of Parliament, publish weekly in the Government Gazette the following Rules respecting Notices of intended applications for Private Bills, and in other Newspapers the substance thereof; and shall also, immediately after the issue of the Proclamation convening Parliament for the dispatch of business, publish in the British Columbia Gazette, and in other Newspapers, as aforesaid, until the opening of Parliament, the day on which the time limited for receiving Petitions for Private Bills will expire, pursuant to the foregoing Rule; and the Clerk shall also announce, by Notice affixed in the Committee Rooms and Lobbies of this House, by the first day of every Session, the time limited for receiving Petitions for Private Bills, and Private Bills, and Reports thereon.

50. All applications for Private Bills, properly the subject of Legislation by the Legislative Assembly of British Columbia within the purview of "The British



North America Act, 1867," whether for the erection of a Bridge, the making of a Railroad, Turnpike Road, or Telegraph Line; the construction or Improvement of a Harbour, Canal, Lock, Dam, or Slide, or other like work; the granting of a Right of Ferry; the incorporation of any particular Trade or Calling, or of any Joint Stock Company; or otherwise for granting to any individual or individuals any exclusive or peculiar rights or privileges whatever, or for doing any matter or thing which in its operation would affect the rights or property of other parties, or relate to any particular class of the community; or for making any Amendment of a like nature to any former Act,—shall require a Notice, clearly and distinctly specifying the nature and object of the application, to be published as follows, viz.:—

A Notice inserted in the British Columbia Gazette, and in one newspaper published in the District affected, or if there be no newspaper published therein, then in a newspaper in the next nearest District in which a newspaper is published.

Such Notice shall be continued in each case for a period of at least six weeks, during the interval of time between the close of the next preceding Session and the consideration of the Petition.

51. Before any Petition praying for leave to bring in a Private Bill for the erection of a Toll Bridge is presented to the House, the person or persons intending to petition for such Bill shall, upon giving the Notice prescribed by the preceding Rule, also, at the same time, and in the same manner, give Notice of the Rates which they intend to ask, the extent of the privilege, the height of the arches, the interval between the abutments or piers for the passage of rafts and vessels, and mentioning also whether they intend to erect a draw-bridge or not, and the dimensions of the same.

52. Petitions for Private Bills, when received by the House, are to be taken into consideration (without special reference) by the Committee on Standing Orders, which is to report, in each case, whether the Rules with regard to Notice have been complied with; and in every case where the Notice shall prove to have been insufficient, either as regards the Petition as a whole, or any matter therein which ought to have been specially referred to in the Notice, the Committee is to recommend to the House the course to be taken in consequence of such insufficiency of Notice.

53. No motion for the suspension of the Rules upon any Petition for a Private Bill is to be entertained, unless the same has been reported upon by the Committee on Standing Orders.

54. All Private Bills are introduced on Petition, and presented to the House upon a motion for leave, and after such Petition has been favourably reported on by the Committee on Standing Orders.

55. When any Bill for confirming any Letters Patent or Agreement is presented to the House, a true copy of such Letters Patent or Agreement must be attached to it.

56. The expenses and costs attending on Private Bills giving any exclusive privilege, or for any object of profit, or private, corporate, or individual advantage; or for amending, extending, or enlarging any former Acts, in such manner as to confer additional powers, ought not to fall on the public; accordingly the parties seeking to obtain any such Bill, shall be required to pay the Clerk of the House the sum of sixty dollars immediately after the First Reading thereof; and all such Bills shall be prepared by the parties applying for the same, and printed, and sixty copies thereof shall be deposited with the Clerk of the House, and distribution

thereof made after the First Reading; and no such Bill shall be reported until a certificate from the Clerk shall have been filed that such fee has been paid to him, and all fees paid under this section shall be applied to the use of the Government.

57. Every Private Bill, when read a first time, shall, on motion, be referred to the Committee on Private Bills, if any such shall have been appointed, or to some other Standing Committee of the same character; and all Petitions before the House for or against the Bill are considered as referred to such Committee.

58. No Committee on any Private Bill, of which Notice is required to be given, is to consider the same until after eight clear days' Notice of the sitting of such Committee has been first affixed in the Lobby; such Bill having been first printed and distributed to Members. And no Motion for any general suspension or modification of this Rule shall be entertained by the House, unless after reference made thereof at a previous sitting of the House, to the Standing Committee on Private Bills, or upon Report submitted by such Committee.

2. On the day of the posting of any Bill under this Rule, the Clerk of the House shall append to the Printed Votes and Proceedings of the day, a Notice of such posting; and also a Notice of Meetings of any of the Standing Committees charged with the consideration of Private Bills, or Petitions therefor, that may have been appointed for the following day.

59. A copy of the Bill containing the Amendments proposed to be submitted to the Standing Committee, shall be deposited in the House, one clear day before the meeting of the Committee thereupon.

60. All persons whose interest or property may be affected by any Private Bill, shall, when required so to

do, appear before the Standing Committee touching their consent, or may send such consent in writing, proof of which may be demanded by such Committee. And in every case, the Committee upon any Bill for incorporating a Company, may require proof that the persons whose names appear in the Bill as composing the Company, are of full age, and in a position to effect the objects contemplated, and have consented to become incorporated.

61. All questions before Committees on Private Bills are decided by a majority of voices, including the voice of the Chairman; and whenever the voices are equal the Chairman has a second or casting vote.

62. It is the duty of the Select Committee to which any Private Bill may be referred by the House, to call the attention of the House specially to any provision inserted in such Bill that does not appear to have been contemplated in the Notice for the same, as reported upon by the Committee on Standing Orders.

63. The Committee to which a Private Bill may have been referred shall report the same to the House, in every case; and when any material alteration has been made in the Preamble of the Bill, such alteration, and the reasons for the same, are to be stated in the Report.

64. When the Committee on any Private Bill report to the House that the Preamble of such Bill has not been proved to their satisfaction, they must also state the grounds upon which they have arrived at such a decision; and no Bill so reported upon shall be placed upon the Orders of the Day unless by the special order of the House.

2. Private Bills otherwise reported to the House by such Committee, shall be placed upon the Orders of the Day following the reception of the Report, for a second

reading, in their proper order, next after Bills referred to a Committee of the Whole House.

65. The Chairman of the Committee shall sign with his name at length, a printed copy of the Bill, on which the Amendments are fairly written, and shall also sign with the initials of his name the several Amendments made and Clauses added in Committee.

66. No important Amendment may be proposed to any Private Bill, in a Committee of the Whole House, or at the Third Reading of the Bill, unless two days' notice of the same shall have been given.

67. Except in cases of urgent and pressing necessity, no Motion may be made to dispense with any Standing Order relative to Private Bills, without due notice thereof.

68. A Book, to be called the "Private Bill Register," shall be kept by the Clerk, in which shall be entered by the Clerk, the name, description, and place of residence of the parties applying for the Bill, or of their Agent, and all the proceedings thereon, from the Petition to the passing of the Bill; such entry to specify briefly each proceeding in the House, or in any Committee to which the Bill or Petition may be referred, and the day on which the Committee is appointed to sit. Such book to be open to public inspection daily, during office hours.

69. The Clerk shall prepare, daily, lists of all Private Bills, and Petitions for such Bills, upon which any Committee is appointed to sit, specifying the time of the meeting and the room where the Committee shall sit; and the same shall be hung up in the Lobby.

70. Every Parliamentary Agent conducting proceedings before the House, shall be personally responsible to the House and to the Speaker, for the observance of



the Rules, Orders, and practice of Parliament, and Rules prescribed by the Speaker, and also for the payment of all fees and charges; and he shall not act as Parliamentary Agent until he shall have received the express sanction and authority of the Speaker, who may revoke the same at pleasure.

71. Any Agent who shall wilfully act in violation of the Rules and Practice of Parliament, or any Rules to be prescribed by the Speaker, or who shall wilfully misconduct himself in prosecuting any proceedings before the House, shall be liable to an absolute or temporary prohibition to practice as a Parliamentary Agent, at the pleasure of the Speaker.

#### COMMITTEES.

72. The Clerk of the House shall cause to be affixed, in some conspicuous part of the House a list of the several Standing and Select Committees appointed during the Session.

73. In forming a Committee of the Whole House, the Speaker, before leaving the Chair, shall appoint a Chairman to preside, who shall maintain Order in the Committee; and the Rules of the House shall be observed in Committee of the Whole House, so far as may be applicable, except the rule limiting the number of times of speaking.

74. Questions of Order arising in Committee of the Whole House shall be decided by the Chairman, subject to an appeal to the House; but disorder in a Committee can only be censured by the House, on receiving a report thereof.

75. A Motion that the Chairman leave the Chair shall always be in Order, and shall take precedence of any other motion.

76. No Select Committee may, without leave of the House, consist of more than Six Members, and the Mover may submit the names to form the Committee, unless objected to by Five Members; if objected to, the House may name the Committee in the following manner:—each Member to name one, and those who have most voices, with the mover, shall form the same; but it shall be always understood that no Member who declares or decides against the principal or substance of a Bill, Resolution, or matter to be committed, can be nominated of such Committee.

77. Of the number of Members appointed to compose a Committee, a majority of the same shall be a Quorum, unless the House has otherwise ordered.

78. Reports from Standing and Select Committees may be made by Members standing in their places, and without proceeding to the Bar of the House.

#### WITNESSES.

79. The Clerk of the House is authorized to pay out of the Contingent Fund to Witnesses summoned to attend before any Select Committee of the House, except in the case of Private Bills, a reasonable sum per diem, to be determined by the Speaker, (the daily rate if allowed to be the same in all cases) during their attendance, and a reasonable allowance for travelling expenses, upon any certificate or order of the Chairman of the Committee before which such witnesses have been summoned; but no witness shall be so paid, unless a certificate shall have first been filed with the Chairman of such Committee, by some Member thereof, stating that the evidence to be obtained from such witness is, in his opinion, material and important; and no such payment shall be made in any case, without the authority of the Speaker, which shall be signified by the endorsement of the Speaker upon the aforesaid certi-



ificate; and when any witness shall have been in attendance during three days, if his presence is further required, recourse shall again be had to the Chairman of the Committee, and so on, every three days.

#### DIVISIONS.

80. When Members have been called in, preparatory to a Division, no further Debate is to be permitted.

81. Upon a Division, the Yeas and Nays shall not be entered upon the Minutes, unless demanded by Three Members, and on questions of the adjournment of the House or of the debate the numbers only shall be entered.

#### PETITIONS.

82. Petitions to the House shall be presented by a Member, in his place, who shall be answerable that they do not contain impertinent or improper matter, and shall certify the same by endorsement.

83. Every Member offering to present a Petition to the House, shall endorse his name thereupon, and confine himself to a statement of the parties from whom it comes, the number of signatures attached to it, and the material allegations it contains. Petitions may be either written or printed; provided always that the signatures of at least three Petitioners are subscribed on the sheet containing the prayer of the Petition, except in the case of a single Petitioner or Corporation.

84. Every Petition not containing matter in breach of the privileges of this House, and which according to the Rules or practice of this House can be received, is brought to the Table by direction of the Speaker, who cannot allow any debate, or any Member to speak upon, or in relation to, such Petition; but it may be read by the Clerk at the Table, if required; or if it complain of some present personal grievance, requiring an immediate

remedy, the matter contained therein may be brought into immediate discussion.

### AID AND SUPPLY.

[By the 54th Section of the Imperial Act, 30 Vic., c. 3, "The British North America Act, 1867," it is provided that the House shall not adopt or pass any Vote, Resolution, Address, or Bill for the appropriation of any part of the Public Revenue, or of any Tax or Impost, to any purpose that has not been first recommended by a Message of the Lieutenant-Governor in the Session in which such Vote, Resolution, Address, or Bill is proposed.]

85. If any Motion be made in the House for any public Aid or Charge upon the people, the consideration and debate thereof may not be presently entered upon, but shall be adjourned till such further day as the House shall think fit to appoint; and then it shall be referred to a Committee of the Whole House, before any Resolution or Vote of the House do pass thereupon.

### VI.—OFFICERS AND SERVANTS OF THE HOUSE.

86. It shall be the duty of all Permanent Officers of this House to complete and finish the work remaining at the close of the Session.

87. The Clerk of the House shall be responsible for the safe keeping of all the Papers and Records of the House, and shall have the direction and control over all the Officers and Clerks employed in the offices, subject to such orders as he may from time to time receive from Mr. Speaker, or the House.

88. The Clerk of the House shall place on the Speaker's table, every morning, previous to the Meeting of the House, the Order of the Proceedings for the Day.

89. It shall be the duty of the Clerk to make and cause to be printed, and delivered to each Member, at the commencement of every Session of Parliament, a List of the Reports or other periodical Statements which it is the duty of any Officer or Department of the Government, or any Corporate Body, to make to the House, referring to the Act or Resolution, and page of the volume of the Laws or Journals wherein the same may be ordered; and placing under the name of each Officer or Corporation a List of Reports or Returns required of him or it to be made, and the time when the Report or periodical Statement may be expected.

90. The Sergeant-at-Arms attending this House shall be responsible for the safe keeping of the Mace, Furniture, and fittings thereof, and for the conduct of the Messengers and inferior Servants of the House.

91. No Stranger who shall have been committed by Order of the House, to the custody of the Sergeant-at-Arms, shall be released from such custody until he has paid a Fee of Five Dollars to the Sergeant-at-Arms.

92. No allowance shall in future be made to any person in the employ of this House who may not reside at the Seat of Government, for travelling expenses in coming to attend his duties.

#### UNPROVIDED CASES.

93. In all unprovided cases, the Rules, Usages, and Forms of the House of Commons of the United Kingdom of Great Britain and Ireland shall be followed.

#### SESSIONAL ORDERS.

*Resolved*, That if it shall appear that any person hath been elected or returned a Member of this House, or endeavoured so to be, by bribery or other corrupt practices, this House will proceed with the utmost severity against all such persons as shall have been

willfully concerned in such bribery or other corrupt practices.

*Resolved*, That the offer of any money or other advantage to any Member of this House, for the promoting of any matter whatsoever depending or to be transacted in Parliament, is a high crime and misdemeanor, and tends to the subversion of the Constitution.

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EXTRACTS

FROM THE

TREATY OF WASHINGTON

AFFECTING OR LIKELY TO AFFECT

BRITISH COLUMBIA.





EXTRACTS FROM THE TREATY  
OF WASHINGTON.

## ARTICLE XVIII.

It is agreed by the High Contracting Parties that, in addition to the liberty secured to the United States' fishermen by the Convention between Great Britain and the United States, signed at London on the 20th day of October, 1818, of taking, curing, and drying fish on certain coasts of the British North American Colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty, for the term of years mentioned in Article XXXIII. of this Treaty, to take fish of every kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbours, and creeks, of the Provinces of Quebec, Nova Scotia, and New Brunswick, and the Colony of Prince Edward Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea-fishery, and that the salmon and shad fisheries, and all other fisheries in rivers and the mouths of rivers, are hereby reserved exclusively for British fishermen.

## ARTICLE XIX.

It is agreed by the High Contracting Parties that British subjects shall have, in common with the citizens of the United States, the liberty, for the term of years mentioned in Article XXXIII. of this Treaty, to take fish of every kind, except shell-fish, on the eastern sea-coasts and shores of the United States north of the thirty-ninth parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbours, and creeks of the said sea-coasts and shores of the United States and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea-fishery, and that salmon and shad fisheries, and all other fisheries in rivers and mouths of rivers are hereby reserved exclusively for fishermen of the United States.

## ARTICLE XX.

It is agreed that the places designated by the Commissioners appointed under the first Article of the Treaty between Great Britain and the United States, concluded at Washington on the 5th of June, 1854, upon the coasts of the United States and Her Britannic Majesty's dominions, as places reserved from the common right of fishing under that Treaty, shall be regarded as in like manner reserved from the common right of fishing under the preceding Articles. In case any question should arise between the Governments of

Her Britannic Majesty and of the United States as to the common right of fishing in places not thus designated as reserved, it is agreed that a Commission shall be appointed to designate such places, and shall be constituted in the same manner, and have the same powers, duties, and authority as the Commission appointed under the said first Article of the Treaty of 5th June, 1854.

#### ARTICLE XXI.

It is agreed that, for the term of years mentioned in Article XXXIII. of this Treaty, fish oil and fish of all kinds (except fish of the inland lakes, and of the rivers falling into them, and except fish preserved in oil,) being the produce of the fisheries of the United States or of the Dominion of Canada, or of Prince Edward's Island, shall be admitted into each country, respectively, free of duty.

#### ARTICLE XXVI.

The navigation of the River St. Lawrence, ascending and descending, from the 45th parallel of north latitude, where it ceases to form the boundary between the two countries, from, to and into the sea, shall for ever remain free and open for the purposes of commerce to the citizens of the United States, subject to any laws and regulations of Great Britain or of the Dominion of Canada, not inconsistent with such privilege of free navigation.

The navigation of the Rivers Yukon, Porcupine, and Stikine, ascending and descending from, to and into the sea, shall forever remain free and open for the purposes of commerce to the subjects of Her Britannic Majesty and to the citizens of the United States, subject to any laws and regulations of either country within its own territory, not inconsistent with such privilege of free navigation.

## ARTICLE XXIX.

It is agreed that, for the term of years mentioned in Article XXXIII. of this Treaty, goods, wares, or merchandize arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been or may from time to time be specially designated by the President of the United States, and destined for Her Britannic Majesty's Possessions in North America, may be entered at the proper Custom House and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Government of the United States may from time to time prescribe; and, under like rules, regulations, and conditions, goods, wares, or merchandize may be conveyed in transit, without the payment of duties, from such Possessions through the territory of the United States for export from the said ports of the United States.

It is further agreed that for the like period, goods, wares, or merchandize arriving at any of the ports of Her Britannic Majesty's Possessions in North America and destined for the United States may be entered at the proper Custom House and conveyed in transit without the payment of duties through the said Possessions, under such rules and regulations and conditions for the protection of the revenue as the Governments of the said Possessions may from time to time prescribe; and under like rules, regulations, and conditions, goods, wares, or merchandize may be conveyed in transit, without payment of duties, from the United States through the said Possessions to other places in the United States, or for export from ports in the said Possessions.

## ARTICLE XXX.

It is agreed that, for the term of years mentioned in

Article XXXIII. of this Treaty, subjects of Her Britannic Majesty may carry in British vessels, without payment of duty, goods, wares, or merchandize from one port or place within the territory of the United States upon the St. Lawrence, the Great Lakes, and the rivers connecting the same, to another port or place within the territory of the United States as aforesaid: Provided, that a portion of such transportation is made through the Dominion of Canada by land carriage and in bond, under such rules and regulations as may be agreed upon between the Government of Her Britannic Majesty and the Government of the United States.

Citizens of the United States may for the like period carry in United States vessels, without payment of duty, goods, wares, or merchandize from one port or place within the Possessions of Her Britannic Majesty in North America, to another port or place within the said Possessions: Provided, that a portion of such transportation is made through the territory of the United States by land carriage and in bond, under such rules and regulations as may be agreed upon between the Government of the United States and the Government of Her Britannic Majesty.

The Government of the United States further engages not to impose any export duties on goods, wares, or merchandize carried under this article through the territory of the United States; and Her Majesty's Government engages to urge the Parliament of the Dominion of Canada and the Legislatures of the other Colonies not to impose any export duties on goods, wares, or merchandize carried under this Article; and the Government of the United States may, in case such export duties are imposed by the Dominion of Canada, suspend, during the period that such duties are imposed, the right of carrying granted under this Article in favour of the subjects of Her Britannic Majesty.



The Government of the United States may suspend the right of carrying granted in favour of the subjects of Her Britannic Majesty under this Article in case the Dominion of Canada should at any time deprive the citizens of the United States of the use of the canals in the said Dominion on terms of equality with the inhabitants of the Dominion, as provided in Article XXVII.

#### ARTICLE XXXIII.

The foregoing Articles XVIII. to XXV. inclusive, and Article XXX. of this Treaty, shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island on the one hand, and by the Congress of the United States on the other. Such assent having been given, the said Articles shall remain in force for the period of ten years from the date at which they may come into operation; and further, until the expiration of two years after either of the High Contracting Parties shall have given notice to the other of its wish to terminate the same; each of the High Contracting Parties being at liberty to give such notice to the other at the end of the said period of ten years or at any time afterward.

#### ARTICLE XXXIV.

Whereas it was stipulated by Article I. of the Treaty concluded at Washington on the 15th of June, 1846, between Her Britannic Majesty and the United States, that the line of boundary between the territories of the United States and those of Her Britannic Majesty, from the point on the forty-ninth parallel of north latitude up to which it had already been ascertained, should be continued westward along the said parallel of north latitude "to the middle of the channel which sepa-

rates the continent from Vancouver's Island, and thence southerly, through the middle of the said channel and of Fuca Straits, to the Pacific Ocean;" and whereas the Commissioners appointed by the two High Contracting Parties to determine that portion of the boundary which runs southerly through the middle of the channel aforesaid were unable to agree upon the same; and whereas the Government of Her Britannic Majesty claims that such boundary line should, under the Terms of the Treaty above recited, be run through the Rosario Straits, and the Government of the United States claims that it should be run through the Canal de Haro, it is agreed that the respective claims of the Government of Her Britannic Majesty and of the Government of the United States shall be submitted to the arbitration and award of His Majesty the Emperor of Germany, who, having regard to the above-mentioned Article of the said Treaty, shall decide thereupon, finally and without appeal, which of those claims is most in accordance with the true interpretation of the Treaty of June 15, 1846.

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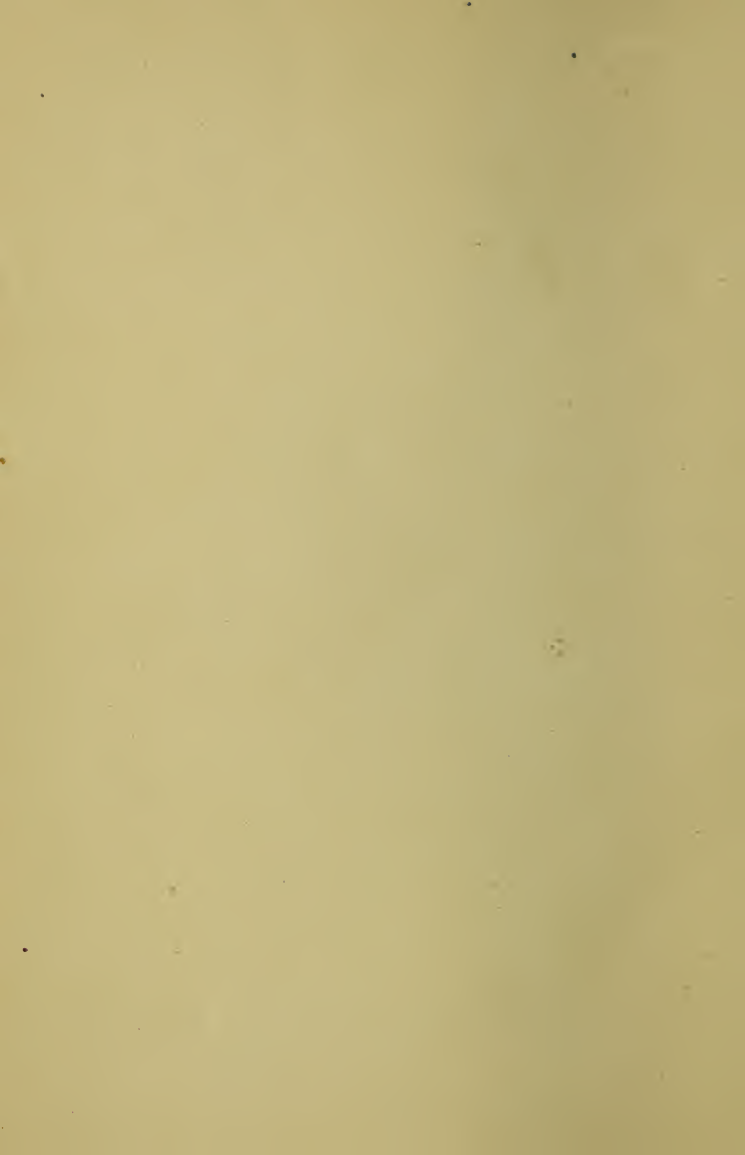
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